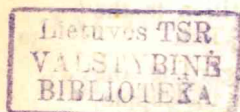


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THE LITHUANIAN-POLISH DISPUTE



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THE LITHUANIAN-POLISH DISPUTE.

SECTION I.

The Lithuanians and White Russians under Polish Rule in the occupied Lithuanian Territory.

IN two earlier publications* the Lithuanian Information Bureau issued the most important correspondence and documents on this subject between the Council of the League of Nations and the Lithuanian Government since the Second Assembly of the League, covering the period from December, 1921, to July, 1922. That publication contained reprints of first-hand appeals and petitions from the inhabitants of the Vilna and Grodno regions under Polish occupation, depicting in simple, unaffected language the truly abominable conditions under which they are compelled to live and the systematic political oppression and even physical atrocities to which they are constantly subjected by Polish agents with a view to breaking their patriotic Lithuanian spirit and enforcing submission to the Polish yoke.

It may be recalled that at the sitting of 16th May, 1922, the Council of the League of Nations made an appeal to the clemency of the two Governments in order to obtain the repatriation or liberation of all persons prosecuted for political reasons and not accused of crime against the common law. In this context, therefore, it is instructive to compare the respective procedures adopted by the two Governments, as evidence of goodwill and of a genuine desire to meet the wishes of the League Council in this regard.

The Council's appeal in the case of Lithuania had reference more particularly to the prosecution of *Lithuanian citizens of Polish extraction* convicted during the summer of 1919 for participation, as members of the notorious Polish military organization known as the P.O.W., in a treasonable attempt to overthrow the lawfully constituted Government by armed force. The Council's appeal to Poland had reference more particularly to the wholesale expulsions of Lithuanian and White Russian public workers by the Vilna authorities early in 1922 on vague but wholly unsubstantiated charges of conspiracy against the security of the State.

Now, in the first case, the Lithuanian judicial authorities have numerous incontestable documentary proofs of the actual complicity of the arrested men in the P.O.W. plot against the Lithuanian Government, and have never refused to show these to the accredited representatives of the Entente or of the League of Nations. On the other hand, in the second case, it is highly significant that when the Military Control Commission of the League of Nations asked the Vilna Public Prosecutor to show them the proofs of the alleged conspiracy of the expelled Lithuanian and White Russians, "*the Prosecutor took refuge in the professional secrecy which prevents him from disclosing any document to a third party so long as proceedings are still pending.*" (*Vide Reports of the Military Commission of Control*, page 19). The Military Commission further wrote in this connexion, "These organizations (Lithuanian and White Russian) consider and declare that Vilna is the capital of Lithuania and that it is temporarily

* "The Lithuanian-Polish Dispute." London: Eyre & Spottiswoode, Ltd., 1921 and 1922.

and illegally occupied by the Poles; while seeking to maintain and develop Lithuanian interests in Vilna, they are working openly against the *de facto* regime instituted in that town. Have they, in doing so, exceeded legal limits? *The Commission has no evidence that they have done so.* The Commission is of opinion that these arrests and the expulsions which followed them are a most regrettable occurrence, and that they are calculated to aggravate the tension which already exists between the two countries. Even admitting that the Polish authorities possess irrefutable proofs of the guilt of the accused and were compelled in the interests of public order to put an end to the political activities of the Lithuanian and White Russian organizations at Vilna, *they could, and they should, have employed other means for attaining these objects."*

This condemnation comes from a source which certainly could not be accused of straining a point in favour of the Lithuanian side, since the President of the Control Commission was a French Colonel, whose personal sympathies were probably Polish.

Nevertheless, whereas the Lithuanian Government, in its earnest desire for conciliation, has since met the League Council's appeal by releasing all the members of the P.O.W. organization implicated in a proved conspiracy against the Lithuanian State by its own citizens, the Polish Government has displayed no corresponding disposition and has taken no steps whatever to reverse the monstrous injustice perpetrated in February, 1922, against the thirty-three Lithuanian and White Russian social leaders expelled from the Vilna region, so that, in numerous instances, these innocent victims of Polish tyranny are still obliged to live separated from their wives and families who, on their part, are frequently reduced to the verge of penury and destitution through the deprivation of their bread-winners.

The Control Commission's virtual condemnation of the Vilna elections of January, 1922, was reproduced in the earlier publication of the Lithuanian Information Bureau, already cited, but it is once more reprinted below to preserve the continuity of the Control Commission's Reports as a whole. Perhaps readers need scarcely be reminded that it was on the basis of these falsified and farcical elections that a so-called Vilna Diet, gerrymandered in Polish interests, sent a deputation to Warsaw to request the annexation of the Vilna region to Poland. A more detailed consideration of this aspect of Lithuanian-Polish relations will be found under Section II. of this issue, dealing with the question of the Polish-Lithuanian frontier and its iniquitous so-called settlement by the Conference of Ambassadors on March 15th, 1923.

Irrespective of the foregoing, the reader will find in the attached correspondence an overwhelming mass of documentary evidence bearing upon the regime of terror which the Poles have instituted in the Vilna and Grodno regions against the Lithuanian and White Russian inhabitants. Here in prosaic language are described methods of torture worthy of the Spanish Inquisition, but almost incredible, were the facts not so notorious, when associated with the name of a post-bellum State claiming to be civilized. We commend especially to the reader's attention the petition to the League of Nations from the Provisional Lithuanian Committee of Vilna, transmitted to the League by the Lithuanian Minister for Foreign Affairs under date of 8th August, 1922; the letter of September 6th, 1922, from the Lithuanian Delegation with enclosures; the Lithuanian Delegation's letter of 17th September, 1922; and the Lithuanian Delegation's letter of 25th September, 1922, transmitting a petition from the inhabitants of the Vilna and Grodno districts on the subject of Polish atrocities.

These damning facts may well be left to speak for themselves before the bar of public opinion in lands more happily situated than territories which, in the tragic words of the petition itself, "forgotten of God and the Entente," are condemned, through no fault of their own, to groan under a brutal alien yoke.

LEAGUE OF NATIONS,

DISPUTE BETWEEN LITHUANIA AND POLAND.

**Reports of the Military Commission of Control dated December 24th, 1921,
February 12th, March 6th and March 20th, 1922.**

(Translation.)

I.

REPORT OF THE MILITARY COMMISSION OF CONTROL OF THE LEAGUE OF NATIONS ON THE POLISH-LITHUANIAN DISPUTE.

Warsaw, December 24th, 1921.

As its work is on the point of completion, the Military Commission of Control feels that it should submit a general report to the Council on the present state of the Polish-Lithuanian dispute.

This report deals with the following points:—

1. The attitude of the Polish and Lithuanian Governments towards M. Hymans' scheme, and their policy on the Vilna question;
2. Acts committed against the Lithuanian and White-Russian elements at Vilna and the Polish elements at Kovno;
3. Situation in the neutral zones of the districts of Suwalki and Vilna;
4. Public opinion at Vilna;
5. The elections in the Vilna Territory.

The following documents are given as supplements to the Report:

- (a) Summary of the speech made by Marshal Pilsudski at Lida on November 19th, 1921;
- (b) Report on the Polish and Lithuanian Propaganda Associations.

In conclusion, the Commission has the honour to submit to the Council the measures which it considers might improve the present situation should it be impossible to arrive at an agreement between the two countries.

THE ATTITUDE OF THE POLISH AND LITHUANIAN GOVERNMENTS TOWARDS M. HYMAN'S SCHEME.

Their Policy on the Vilna Question.

After the Brussels negotiations, the Polish Government stated that it was prepared to adopt as a basis for discussion the first scheme of M. Hymans which the Lithuanian Government refused to accept.

Its attitude towards the second scheme has remained unchanged since the Assembly at Geneva. It considers that this scheme is unacceptable for Poland, since it destroys the equality of the two cantons of Kovno and Vilna and gives the preponderance to Lithuania, the Vilna canton being now considered merely as a district attached to Lithuania. The Polish point of view is unchanged to-day, and as the Polish Government does not contemplate the possibility of making new concessions, it considers that the Vilna question is provisionally settled, in fact if not in law.

The policy which it has adopted is as follows:—

- (1) Holding elections throughout the whole of the disputed territory (except the Volozyn district), in order to give the population the opportunity of expressing its wishes.
- (2) Conceding an autonomous regime to the district of Vilna with a local Diet, which, with the Polish Government, would determine the nature of the ties and relations to be established between the Vilna Territory and Poland.

The Government hopes in this manner to pave the way for an agreement between Warsaw and Kovno through representatives elected to the Vilna Diet.

After the Brussels Conference the Lithuanian Government informed the Council that it could not accept the first scheme of M. Hymans as a basis for discussion.

The point of view of the Lithuanian Government with regard to the second scheme is already known; it has been put forward in the form of an official refusal to the Council of the League of Nations.

A few explanations are necessary to define the Governments' attitude in this matter.

Immediately after the termination of the Geneva Conference, the Lithuanian Delegation proceeded to Kovno and commenced an active and sincere propaganda to convince the Government, the Diet and public opinion of the necessity of accepting the recommendations of the Council. Meetings were organised to explain the situation in which Lithuania was then placed. The Delegation provided the Press and the chiefs of the Lithuanian political parties with statements proving that the acceptance of the scheme would be favourable to Lithuania.

Opposition, however, continued to be shown to M. Hymans' scheme in all circles, in the Diet, in the Press, in the Army, in the meetings of the various political parties, socialists, peasants, independents, etc.

The effect of this propaganda was seriously prejudiced by the acts of repression carried out at Vilna against the Lithuanians. These acts of repression were sometimes even considered at Kovno as a Polish measure carried out for the express purpose of exciting Lithuanian public opinion. Faced with unanimous opposition towards M. Hymans' scheme, the Government was forced to temporise. It hoped that calm would be re-established, and that it would be enabled to publish its decision in favour of acceptance subject to certain reservations concerning language, regional recruiting and the delegation system. Meanwhile, it endeavoured to suppress any dangerous controversies arising in the Press and among the population, and to maintain silence on the Vilna question. At the end of October, the dissemination of incorrect information in the Press or by word of mouth was forbidden by order of the Commandant of the town of Kovno under penalty of imprisonment and a fine of 10,000 marks. The Government even suppressed the Lithuanian party newspaper *Lietuvos Balsas* for several days. During the first week of November the Lithuanian representatives abroad were summoned to Kovno, and, before they separated, signed a declaration that under present conditions it was necessary to accept M. Hymans' scheme. The Government required this declaration in order to prove, at a later date, that the decision which it intended to take was based on the opinion of persons abroad well acquainted with the situation of Lithuania. At the same time the Government gave the widest publicity to the declaration made by the Lithuanian intellectuals of Vilna, who favoured M. Hymans' scheme, and who had no hesitation in declaring that the "rejection of the scheme would place Lithuania out of court."

The opposition of public opinion, however, still continued. Rumours were current that the Government was about to accept the scheme, and the Central Committee of the Union of Lithuanian Irregulars submitted an important protest to the Cabinet (*see Annex 1*).

The attempted assassination of M. Galvanauskas took place a few days later on November 25th. The Government then realised clearly that it was not supported by a public opinion whose extreme tendencies it had too long supported. Threatening letters were continually received by the principal political parties. The Government, anxious above all to maintain order at home, decided, after a struggle of two months, to abandon the contest, and, at its meeting of December 3rd, definitely rejected M. Hymans' scheme.

Its sincere but unsuccessful endeavours to moderate public opinion did not, however, imply its complete and unconditional acceptance of all the provisions of the scheme. Conscious of the gravity of the situation and the importance of its decision, the Government was, above all, anxious to provide the Council with an acceptable reply, so that the conduct of Lithuania might be universally approved, and that she might, in the future stages of the dispute with Poland, be in a stronger and more advantageous position. The rejection of M. Hymans' scheme by the Government does not imply a new policy: it was brought about by necessity. The Lithuanian Government has no new proposals to submit either upon the general political aspect of the question or upon the secondary questions of the detailed measures to improve her relations with Poland after the departure of the Commission. Its programme may be summed up in the word *Wait*.

ALLEGED ILL-TREATMENT OF LITHUANIANS AND WHITE RUSSIANS AT VILNA AND OF POLES AT KOVNO.

Complaints of the Lithuanians and White Russians.

The complaints of the Lithuanians at Vilna have been set forth in the letter from the Lithuanian Government dated October 28th, 1921, which has been communicated to the members of the Council (C. 435, M. 314).

The statements are correct that the Polish authorities have closed almost simultaneously the girls' school (200 pupils), the boys' and girls Lithuanian school (500 pupils, some of whom came from Lithuanian Kovno), the orphanage of 250 children, a Lithuanian co-operative society and a Lithuanian bank. Thanks to the efforts made by the Director, who receives funds from abroad, it has been possible to reopen the Lithuanian school in private premises, but some of the pupils have not yet returned.

At the same time the publication of the Lithuanian newspaper in Vilna was prohibited and it could only continue to appear under a different name each day, and with frequent interruptions.

With the knowledge of the authorities at Vilna, a violent campaign against the Bishop, who is of Lithuanian origin, has been carried on during this year by certain chauvinistic elements in the town, who are even alleged to have addressed complaints concerning him to the Pope. The Bishop, whose eminent personality and high moral character should have placed him beyond the reach of party strife, has always maintained a perfectly correct attitude; he has always paid strict attention to the rules of his calling and has refused to become the agent of propaganda among religious circles of his diocese on behalf of any party.

Finally, it cannot be denied that the Polish authorities, and especially their subordinate agents, are offering every opposition to the free development of the White Russian Nationalist movement among the mass of the peasants. We make no mention of the region of Grodno, where the White-Russian School and the orthodox Church have had much more to suffer than in the Vilna district. In the latter town a number of primary schools have been closed and replaced by Polish schools.

The schools of Boutslav (district of Vileika), of Skripievo (district of Oshmiany), and the training college of Boruny in the same district, which it is intended to use for the training of teachers for village schools, have all been closed. The White-Russian priests have not always been allowed freedom to preach and to give religious instructions to children in their own language. They are under close supervision and are frequently required to display pro-Polish sentiments.

Finally, several arbitrary arrests of Lithuanians and White Russians, suspected of acting as propagandist agents against the Government, have taken place. The arrest of M. Šilingas, who was interned for three months without cause, constitutes, among other cases, a genuine infringement of the liberty of the individual.

Complaints of the Poles.

The complaints of the Polish element in Lithuania were brought to the knowledge of the Council by a memorandum from the Polish Deputies to the Diet of Kovno, dated July 7th (C. 246. M. 183), and the reply to this memorandum was the subject of M. Galvanauskas' letter dated September 2nd last (A. III.).

Without entering into any discussion of the allegations of both sides, the Commission restricts itself to making the following statements:—

(1) The Polish population of Lithuania has only three representatives in the Diet of Kovno. As the Deputies are elected in the proportion of one to every fifteen thousand inhabitants, it is evident that the Polish population has no representation in the Diet proportionate to its numerical importance.

(2) The influential Polish element in Lithuania is principally represented by the great landowners. The agrarian law at present under discussion affects them seriously, and although it is applied to all landowners without distinction of nationality, the Polish landowners have so far suffered most severely from it.

The State has already confiscated provisionally, forests, ponds, turf-pits, etc., without compensation.

Several fine libraries belonging to great Polish landowners have been confiscated by the State and taken to Kovno.

Certain Polish estates whose owners are absent have been sequestered and divided amongst the farmers.

The right of sale has been abolished, with the exception of 100 hectares for each large estate.

Finally, a proportion varying from 15 per cent. to 30 per cent. of the great estates has already been seized without compensation to supply demobilised soldiers with land. The draft of the agrarian law, which is to be voted upon in January, lays down that each owner can only retain a maximum of 150 dessiatines (including 25 dessiatines of forest), which will be returned to him. The remainder will be sold by the State for its own profit, and each landowner will receive compensation amounting only to a maximum of 480 marks per dessiatine, although the average price per dessiatine is about 3,000 marks.

(3) Frequent police searches were carried out, especially at the beginning of the year, at the houses of Poles considered as suspects in consequence of denunciations. Illegal arrests have also taken place, not to mention the cases of persons confined in their own homes at the end of last year and the beginning of this year as a result of the occupation of Vilna by General Zeligowski. It is true that the situation has

improved in the last months, and to our knowledge no reprisals have been ordered in retaliation for the measures taken at Vilna in October last against the Lithuanian element.

(4) The liberty of the Polish Press is more apparent than real; the only Polish newspaper in Kovno has been suspended several times, and has been fined for articles displeasing to the Government.

(5) The issue of passports for foreign countries is attended with the greatest difficulty for Poles, and even those who wish to return to Lithuania are frequently refused the necessary authority.

Summary.

To sum up: the same treatment is accorded both by the Poles and Lithuanians to national minorities.

These methods take the form on both sides of arbitrary arrests, restrictions on the liberty of the Press, of meetings, and of perpetual suspicion, which engenders discontent and insecurity and renders very difficult the free expression of the will of the populations.

The Lithuanians in Vilna suffer chiefly as regards their efforts towards national development, but their property and their welfare are not generally affected. The Lithuanian and White-Russian peasants are frequently deprived of the right to receive education and religious instruction in their own language.

In Lithuania, where the Poles enjoy some measure of freedom as regards their language and institutions, the economic situation of the great Polish landowners is seriously affected by the State laws, which before long must seriously prejudice Polish influence in the country.

SITUATION IN THE SUVALKI AND VILNA NEUTRAL ZONES.

During the hostilities arising out of the Polish and Lithuanian dispute, the Military Commission of Control of the League of Nations decided to create two neutral zones to form a barrier between the opposing troops. As the circumstances under which these two zones were established and the conditions prevailing in them are not identical, it is desirable to discuss them separately.

I.—Suvalki Neutral Zone.

The Suvalki Agreement, which was signed on October 8th, 1920, by the Lithuanian and Polish Delegates, established the line of December 8th, 1919 (the Curzon line), as the line of demarcation between Poland and Lithuania from the German frontier to the Niemen. To prevent any possibility of a resumption of hostilities, the Military Commission, on the same day, issued orders for the withdrawal of the troops to a distance of six kilometres from either side of the Curzon line. In this way the existing neutral zone of the Suvalki district was formed.

The maintenance of order in the neutral zone was entrusted on the Polish side of the boundary line to the Polish police, and on the Lithuanian side to the Lithuanian police.

The Polish troops have not always observed the order which requires them to remain at a distance of six kilometres from the line of demarcation.

On several occasions the Military Commission had to order the retirement of the advanced military posts to the prescribed distance and in certain cases its instructions were carried out only after repeated and energetic action.

It may be stated that, in general, the distance laid down has been observed, especially on the Lithuanian side.

In the neutral Polish zone the Punsck region is inhabited by an almost exclusively Lithuanian population, which cannot readily reconcile itself to the idea of belonging to Poland; on the other hand there are Polish villages on the Lithuanian side of the frontier which wish to be included in Poland. The result of this state of affairs has been to create unrest in the neutral zone. The Lithuanians complain that the Lithuanian population has been subject to ill-treatment and even acts of violence by the Polish police, that illegal requisitions have been carried out by them in the country, and, lastly, that young men who have reached the age for military service have been forcibly removed to Poland to serve in the Polish Army.

Complaints of the same kind have been made to the Commission by the Poles inhabiting the Lithuanian side of the neutral zone, especially during the first month following the conclusion of the Suvalki agreement.

To maintain order in the Punsck region and check the activity of the Lithuanian irregular bands which were raiding the district, the Poles, during last spring, created there a force of mounted police numbering about 80. The Lithuanians on their side allege that the appearance of marauding bands

in the neutral zone was due solely to the fact that Polish police and even troops had crossed the line of demarcation. The Military Commission has indeed established the fact that the Polish police hold several places situated on the Lithuanian side of demarcation. But the Lithuanian Government were at fault in not informing the Commission of this violation of the zone until the month of April, 1921—seven months after its creation.

In the neutral Suvalki zone there were, therefore, two lines—an actual line and the line of December 8th. The difference between the two lines is not great, and is most marked in places where the Declaration of December 8th does not lay down the exact course of the line, but contemplates the fixing of a line on the spot.

The chief source of all the troubles occurring in the Suvalki zone can, therefore, be traced (1) to the fact that the line of December 8th has never been marked out on the ground, and (2) to the fact that there are Lithuanian villages on the Polish side and Polish villages on the Lithuanian side. To remedy this state of affairs, the Commission has on several occasions tried to obtain the consent of the two Governments to an agreement slightly modifying the line of December 8th and establishing a definite frontier on the spot, having regard as far as possible to the wishes of the populations concerned, on the basis of mutual compensation. The Polish Government is, in principle, favourable to this idea, but the Lithuanian Government has always shown itself absolutely opposed to it. It does not recognise the Curzon line as a permanent frontier between Poland and Lithuania. In this region, failing an agreement between the two Governments rectifying the line of December 8th, it would suffice to trace it on the ground as at present defined, in order to establish a definite frontier.

The neutral zone could then be abolished without any undesirable results, and the country would resume its normal life.

II.—*The Neutral Zone of Vilna.*

By the Armistice of Kovno which was signed on November 29th, 1920, under the auspices of the Military Commission, hostilities between the Lithuanian Army and the troops of General Zeligowski were terminated, and a neutral zone which was intended to form an effective barrier between the opposing forces was created. Though to the south of the River Wilia, the neutral zone was only just wide enough to maintain an adequate distance between the combatants, in fixing the width of the zone to the north of that river, the situation resulting from the fighting which preceded the armistice was also taken into account. The zone in the region of Shirwinty is, therefore, wider than would be necessary merely to prevent collisions on the frontier.

No line of demarcation was fixed in the neutral zone of Vilna, because the Commission did not think it possible to establish a frontier between a State which had been accorded *de facto* recognition and a State simply created by force of arms.

The Commission, in constituting this neutral zone, only had in mind the military requirements of the moment; it felt certain that an agreement would shortly be concluded with regard to the whole question.

The continuation of this provisional regime for a period of more than a year has converted this neutral zone into a sort of no man's land which is subject to no authority; this situation is contrary to the interests of the inhabitants of the neutral zone as well as to those of the countries on either side and cannot be allowed to continue.

There are no State police in the neutral zone of Vilna. Except in the town of Shirwinty, which maintains four constables at its own expense, there are not even communal police.

As a result, the neutral zone has quite naturally become a happy hunting-ground for smugglers and deserters. However, apart from a few robberies and other minor incidents, comparative quiet has prevailed for some months.

The murder of the priest Lajewski and of a policeman at Shirwinty, according to the statements of the local inhabitants, were committed by Polish gendarmes or soldiers who had entered the neutral zone.

In spite of the mixed character of the population of the neutral zone (Polish, Lithuanian and Jewish), the general desire for peace is so strong that perfect order would prevail there, if effective control were exercised by both parties over the disturbing elements which try to enter the zone.

In order to put an end to this situation, the Commission suggested to the two Governments, last summer, that they should agree upon a line of demarcation, which would also serve to define the area to be controlled by the Lithuanian and the Vilna police respectively. Neither Government gave serious attention to this suggestion.

The Lithuanian Government strongly opposes the exploitation of the Vilna-Grodno Railway by Poland, and, on the other hand, the Polish Government will not consent provisionally to

relinquish the towns of Shirwinty and Gedroice to Lithuania, except in exchange for a provisional right to work the railway.

An effort should be made to effect an agreement between the two countries on these lines.

THE STATE OF PUBLIC OPINION AT VILNA.

It is difficult to speak of a public opinion in the disputed territory.

Of the four elements of the inhabitants of this territory, only the Poles and Jews possess a full developed sense of nationality.

The Lithuanian peasants have not remained indifferent to the sentiment of nationality. Quite recently it has sprung up among them and has spread rapidly since the formation of the Lithuanian State, which forms a natural centre of attraction for the two fairly compact racial groups in the frontier districts of Svenciany and Olkienki.

The White-Russian peasants, for the most part illiterate, who form the majority of the rural population, may be denied even an elementary consciousness of nationality, though endeavours have been made for some years past to develop this, but hitherto with little result, by a small number of White-Russian intellectuals, priests and village schoolmasters.

The only important town of the district is Vilna; it is the real intellectual and economic centre and its influence dominates the whole region. The other towns are merely provincial centres, and play an entirely subordinate part in the political life of the country.

Although the Polish element in Vilna scarcely represents one-half of the population of the town, its influence there is distinctly predominant. The Vilna Poles, who have always been the advance-guard of Polish influence, are proud of their ancient traditions and are actuated by an uncompromising nationalist spirit, which is still further accentuated by an active nationalist propaganda. The memory of Russian persecutions, which are typified by the name of Mouravief, continues to haunt them, and Poland represents for them a guarantee of future freedom.

Separated from their mother-country by vast tracts inhabited by a mixed population, they feel all the more deeply the need of her support, and, in spite of all party disputes, they are unanimously convinced that they must be the masters of Vilna and the entire district. They are prepared to defend their rights by force of arms. Polish influence in the rural districts is represented, apart from the administrative authorities, by the great landowners and by the clergy, which has always been, up to the most recent times, the chief factor in the Polonisation of the country.

The Vilna Jews, on the other hand, look rather to Lithuania, which is in a more favourable situation economically, and in which their co-religionists enjoy a privileged position. They know that if Vilna became the capital of a Greater Lithuania, the Lithuanians would have to look to them for support to consolidate their influence in their own capital. Again, Vilna lies on the great trade route which runs from Germany to Russia through Kovno, and this is an additional argument for favouring Lithuania.

In the provincial capitals and country towns the Jews are extremely numerous and practically control the entire trade of the country.

When they realise that the peasants are almost wholly illiterate, that they are as superstitious as they are religious, that they are isolated in their villages owing to the lack of communications, particularly during the long and severe six months of winter, that their minds are preoccupied by the struggle for existence, it will be easily understood that they are almost indifferent to political questions. Their political and their material interests are identical; they are ready to accept any authority which will afford them security and the possibility of working unmolested.

The League of Nations Commission which was entrusted, at the beginning of this year, with preparing the popular consultation, wrote as follows on this subject :

"The sentiment of nationality is so little developed among the greater part of the inhabitants of the disputed territory that they will be influenced by the propaganda, which will be carried on among them, and by the temporary situation of the country at the time of the plebiscite, rather than by any personal sentiment of nationality."

It appears, therefore, legitimate to conclude that, as regards the country as a whole, there is no public opinion, and that it is public opinion in Vilna which at the present time constitutes the public opinion of the country.

THE ELECTIONS IN THE VILNA TERRITORY.

The elections for the Vilna Diet will take place on January 8th next. The district in which they are to take place corresponds almost exactly to the portion of the disputed territory between the present neutral zone and the frontier defined by the Treaty of July 12th (excepting Grodno and the district of Volozyn); it includes :

1. The territory of Central Lithuania, properly so called, which is administered by the Provisional Governing Commission of Vilna (districts of Vilna, Svienciany and Oshmiany);
2. The districts of Braslaw and Lida on the right bank of the Niemen (decision of the Warsaw Diet, dated November 17th, see Annex No. 2).

The district of Volozyn was separated last year from the district of Oshmiany, after the occupation of Vilna by General Zeligowski, and was attached to the Voievodie of Novogrodek. Six communes of this district lie in the disputed territory and the elections will not take place in them. The Polish Government thought it wiser, in order not to increase the opposition encountered in the Diet with regard to the extension of the zone of the elections, not to insist on the inclusion in that zone of the six communes of the Volozyn district.

The Jewish and Lithuanian inhabitants will not participate officially in the elections. (See Annexes Nos. 3 and 4 regarding the declaration by the Jewish and Lithuanian Central Committees.)

The White Russians have two Committees : the Committee of Aleksiouk, which is favourable to Poland, and the National White-Russian Committee, which has decided, like the Jewish and Lithuanian Committees, to abstain from the elections. (See Annexes Nos. 5 and 6.)

The Polish or pro-Polish elements will therefore be alone represented in the Vilna Diet. The latter will undoubtedly declare that the Vilna district possesses a definitely Polish character, but it would be too early to say exactly what form these declarations will assume.

There are in Vilna four Polish electoral committees representing different points of view :

The Central Electoral Committee (Right) has issued the following summary of its programme :

- (1) The absolute incorporation in Poland of the Vilna district ;
- (2) The Vilna Diet is called upon to decide this one question only ;
- (3) All other questions must be referred to the Diet of the Polish Republic and steps must be immediately taken to elect the deputies to represent Vilna in the Warsaw Diet.

The Polish Democratic Electoral Committee is also in favour of union with Poland, but it declares at the same time that " the Diet must constitute the supreme authority and must concern itself with the interests of the country and revoke any measures unfavourable to the population which have been adopted."

This declaration implies the principal of autonomy.

The Polish Socialist Party is unwilling that the Vilna Territory should be abandoned " to the reactionaries of the Right," and demands a large measure of autonomy.

The programme of the Fourth Electoral Committee, which represents the non-party elements, is not clearly defined, but it may be said to be opposed to a pure and simple annexation of the territory by Poland.

The strength of the organisation of the Central Electoral Committee will probably ensure for that party a majority in the Diet.

The Warsaw Government would thus be faced with a definite demand for annexation and could only oppose this on the grounds that the vital interests of the country were involved. In view of the fact that in any case the freedom of the Press was only proclaimed on December 13th, that the national minorities have thus been unable to organise their electoral campaign, and that the elections will take place under a regime of military occupation, which will enable the Polish element to employ all the means of exerting pressure possessed by the machinery of government (see Annex No. 7), it does not seem probable that, if the Diet declares in favour of absolute annexation, such a declaration can be regarded as a true and sincere expression of the opinion of the whole population of the country.

SUPPLEMENT NO. I.

SUMMARY OF SPEECH MADE BY MARSHAL PILSUDSKI AT LIDA
ON NOVEMBER 19TH, 1921.

(Communicated by the Military Commission of Control.)

On November 19th, the Head of the State received the Mayors of all the Communes of the Lida District and representatives of the population.

He referred to the appeal which he had published in 1919 at the time of the liberation of Vilna, promising that the population of the Vilna district would be given the opportunity of deciding upon its own fate, and he declared that the time had come for the realisation of that promise :

With the consent of the Diet and the Government, the population of the Lida district was to express its wishes in free elections without let or hindrance of any kind. These elections were of the greatest importance for the country and the people, and the Head of the State appealed to those assembled to take an active part in them and give a clear expression of their desires, so that all doubts and disputes regarding the character of the district might be finally dispelled. He was himself a native of the district and had already played his part; he had freed his country by force of arms and had afforded it the opportunity of deciding its own fate. It was for the people to complete his work. Without himself making any proposal or suggestion, the Head of the State invited the whole population to take part in the elections; the greater the number of electors, the greater would be the weight of the Vilna Assembly's decision. Finally, he declared that, if occasion arose, he was, and would always be, ready to defend by force of arms the wishes expressed by the people.

SUPPLEMENT No. 2.

NOTE ON THE POLISH AND LITHUANIAN PROPAGANDA SOCIETIES.

POLISH.

There are several more or less secret propaganda organisations within the territory of Vilna. They are known as the P. O. W., the Z. B. K., and the Straz Kresowa.

The *P. O. W.*—The "Polish Military Organisation" is a secret organisation mainly active in the frontier districts where Polish interests are threatened. Since 1918 it has extended its activities to the Governments of Vilna and Kovno and has absorbed another secret organisation known as the O. S. N., the Niemen sharp-shooters association. It is concerned with the collection of all kinds of propaganda information, takes the leading part in all political manifestations in the country, and is not over scrupulous in the choice of means to achieve its ends.

In 1919 several of its members were arrested and condemned at Kovno for having organised a conspiracy against the Government. Since that time its activities have continued, but appear to have diminished in the region of Vilna.

Z. B. K. ("District Union").—This organisation dates from the first months of 1921. It was created by the General Staff of General Zeligowski's army, and is maintained by that staff. In May, at the time of the Brussels Conference, it seems to have been sufficiently well organised to oppose the execution of any decisions which might have been taken against the interests of Poland. The publication of the Hymans scheme, which gave a certain measure of satisfaction to the Poles, prevented the *Z. B. K.* from taking any action. Since that time, the organisation has been in full activity. It was composed at first of demobilised soldiers who removed the distinguishing badges from their uniform. These soldiers formed the nucleus of the organisation, and their task was to instruct the civil population.

Full details of the *Z. B. K.* organisation are in the possession of the Secretariat, available for the use of the Members of the Council.

Straz Kresowa ("Frontier Guard").—This organisation is—like the *Odrodzenie* (resurrection)—in no sense a secret organisation. It works on the same lines. It confines its activities to propaganda work along the frontiers and to the collection of information. The organ of this association at Vilna is the *Wilenska Gazette*, which is supported by the General Staff; it is a chauvinist paper, which has often published extremely violent articles against the League of Nations and against the Military Commission of Control.

Another organ of the *Straz Kresowa* is the *Est Polonais*, a French fortnightly publication, and one of the best reviews for Polish propaganda abroad.

LITHUANIAN.

Schaulis.—The organisation of the *Schaulis*, which is not secret, is both military and political. It was created about three years ago, and its activities extend over the whole of Lithuania, particularly in districts where the Polish element is most numerous.

Up to the spring of this year, it was independent of the Lithuanian Army. The General Staff, being unable—owing to the opposition of the Seim—to effect its dissolution, which it had repeatedly demanded, placed it under its own control and issued the strictest orders that no supporters of the organisation would be allowed within 10 kms. of the front. The General Headquarters of the Schaulis is at Kovno; it is known as the Central Committee of the Lithuanian *Franc-tireurs*' Association. The staff and principal officials are paid; the other members are volunteers and receive no remuneration. At the beginning of this year, the members numbered 50,000, about 10,000 of whom were armed. At the present time, this number has somewhat decreased. Some of their arms have been withdrawn.

The most recent political manifestation on the part of the Schaulis is the letter sent by the Central Committee at Kovno to the Council of Ministers on November 18th last, urging the rejection of the Hymans scheme. (This letter is included as Annex No. 1 in the Report of the Commission dated December 24th, 1921).*

Upper Council of National Defence.—This Council is a political propaganda organisation established after the occupation of Vilna by General Zeligowski. It has adherents in the towns and in the principal villages. It receives contributions in money and in kind for the defence of the country, contributions which, at the beginning of this year, were practically compulsory.

It works in close co-operation with the Schaulis, watching the Polish population and denouncing suspects to the local authorities, over which—in certain cases—it exercises an influence contrary to the instructions of the Government.

CONCLUSION.

The refusal of the two Governments to accept M. Hymans' proposals not only destroys all chance of an immediate agreement, but leaves little hope of an agreement in the near future.

At the present time there is no reason to anticipate a change in the respective attitude of either of the two countries in regard to the other. In Poland such a change would only be produced should the results of the elections at Vilna fail to give a majority to the Polish element, a very improbable contingency.

In Lithuania the elections for the new Diet will not take place until June, and even the parties forming the Opposition, whose programme relates only to the methods of land reform, have always shown a very definite hostility to M. Hymans' proposal.

During the past year, however, the action of the League of Nations has not been altogether fruitless. It has secured results which the interested parties themselves are the first to recognise :

(1) It has succeeded in separating the combatants and has secured the maintenance of peace since the armistice of November 29th, 1920.

(2) It has rendered familiar to both countries the idea that an agreement must be arrived at, and it has laid the foundation for such an agreement in the form of M. Hymans' proposal.

A further period is necessary before a fresh step forward can be made towards conciliation. *Time alone* will enable the two adversaries to form a clearer idea of their true situation and their respective interests.

The Lithuanians base their aspirations for a great Lithuania for the most part on memories of the past which are justly dear to the imagination of those political thinkers who, for thirty years, have been directing the Lithuanian national movement and who have succeeded in giving to it the concrete form of an organised State.

In order to accomplish their task and to add the Vilna territory to their country, they united their cause with that of the White Russians, who formed the basic element of the population of this territory. But these White-Russian masses are, at present, not sufficiently consolidated to be able to give effective support to Lithuania.

Moreover, when that part of the White-Russian population which is connected with Poland and Lithuania by ties of religion, is imbued with the true spirit of nationality, as will be the case in a few years, it is possible that it may turn its attention in another direction towards a people of kindred race, if not of religion, unless the government of the Vilna territory, whatever it be, succeeds in securing their sympathies.

Lithuania, like any youthful people, has overestimated both its moral and material strength, the greater part of which it has devoted to the increase of its military forces, instead of to the economic reconstruction of the country and to the organisation of its domestic life.

* See 15, 1922, VII Annex 1.

It instinctively feared, and still fears, that it may be absorbed by its neighbour, and in order to secure its own free development until such time as the Vilna question has been settled it has need of the assurance that it may henceforth live in peace, independent and secure from attack.

On the Polish side, the same spirit of jingoism has endeavoured, in all the enthusiasm of renaissance, to extend the boundaries of the young Republic to the utmost limit of Polish soil, sometimes without paying sufficient attention to the national aspirations of its neighbours. Here also the memories of history, which no longer correspond to existing circumstances, have played a great part. Profoundly convinced of the superiority of her civilisation and of her numerical strength, Poland has, moreover, failed to estimate Lithuania, her former ally, at her true value. She has appeared to treat her as a vassal in accordance with her former traditions.

The vigour of the Lithuanian resistance was a source of surprise to Poland and has led her to realise that the young Lithuanian State is a factor that must be taken into account; in the same way she will have to realise that in this mixed Vilna region, where her influence predominates mainly by reason of her civilisation, the White-Russian element, though but little developed and owning practically no land, is, nevertheless, the most numerous and can no longer be neglected without grave danger to Poland herself. These imperialistic tendencies have only arisen and developed in the two countries because they were faced with a weak and disorganised Russia, and because the old Russian regime has left them, as a heritage, some of the methods of government which caused its own downfall, and which, quite naturally, have been employed both in Poland and Lithuania.

Whilst waiting *for time to accomplish its work*, for the spread of popular education, for the enlightenment of men's minds, and for the force of economic necessity to make itself felt, the Commission thinks that the following steps might be conducive to the maintenance of peace in the country, and might pave the way for a future reconciliation between the two States. These measures might be approved by the Council at its next meeting before the departure of the Military Commission :

(1) The Council of the League of Nations should obtain the solemn promise of the two Governments that they will undertake no military activities against each other, and that they will respect the neutral zone until a final agreement between the two countries has been reached.

(2) Each party should be induced to request a foreign Power to take charge of the defence of its interests in the territory of the other; otherwise the two countries will be separated by an almost insurmountable barrier.

(3) The League of Nations should in principle reserve the right, should occasion arise, to take such steps as it shall consider fit and proper, to ensure that, until the Vilna question is settled, the rights of minorities within the disputed territory shall be respected, in accordance with the general principles contained in the recent Treaties relating to minorities.

The line of action suggested above is that which, in the opinion of the Commission, involves the fewest difficulties and is likely to produce the best results.

The importance of this Vilna question, as regards the peace of Eastern Europe, is an argument sufficiently strong to prevent the League of Nations from assuming an entirely detached attitude with regard to future developments in the Polish-Lithuanian dispute.

An understanding between Poland and Lithuania is necessary, not only because the populations of the frontier districts are so mixed that no ethnographical boundary can be drawn between them, but also because the vital interests of the two countries are in many respects closely connected.

The conclusion of this very necessary agreement is, in the long run, inevitable. Any measure tending to diminish the mutual isolation in which Poland and Lithuania are at present living, and especially the mediation of the League of Nations, even if it be only intermittent, will hasten the attainment of the desired result.

RECOMMENDATION BY MAJOR KEENAN.

Major Keenan, member of the Military Commission of Control, has asked the President of the Commission to add to the conclusions of the Report the following recommendation, which expresses his personal opinion :

"As regards the conclusions of the Report, I consider that in addition to the promises to be obtained from the Two Governments, it will be necessary to maintain a Commissioner in the Vilna-Kovno district to see fair play. Such promises can be evaded by either side, and if there is not a neutral person on the spot to follow the situation, there may be unrest on the demarcation lines, which could only be satisfactorily investigated and arrested by some person who is in close touch with the situation and who is given full powers to deal with it.

"The Commissioner should not be either a Britisher or a Frenchman. The general impression among Poles and Lithuanians is that the British support the Lithuanians, while the French support the Poles."

(Translation.)

ANNEX No. 1.

LETTER FROM THE CENTRAL COMMITTEE OF THE UNION OF LITHUANIAN IRREGULAR FORCES.

Kovno, November 18th, 1921.

Lithuanian public opinion as a whole—and especially that part of it which is most sensitive and active, namely, the Lithuanian irregular forces—is dominated by feelings of intense nervousness and insecurity, in view of the great danger to Lithuanian independence which would result from the acceptance of M. Hymans' scheme.

The Central Committee of the Union of Lithuanian Irregular Forces has received from its fellow-workers on the Central Organisation, from the heads of the Regional Committees, the instructors and the sections of the irregular forces, a series of protests, both verbal and in writing, which show how clearly and decisively public opinion in Lithuania is opposed to M. Hymans' scheme, and towards any acceptance whatever of its fundamental principles.

Moreover, as regards the Central Committee, it is clear from these declarations that the acceptance of M. Hymans' scheme would inevitably arouse an agitation in Lithuania, the consequences of which are difficult to foresee, and that it would be quite impossible to put this scheme into force without provoking a serious conflict with Lithuanian public opinion. The Central Committee is convinced that the opinion of the irregular forces—that is to say, of the most active of the Lithuanian citizens—is only the concrete expression of the determined opposition of the whole Lithuanian nation to M. Hymans' scheme, and, as it has always been the guardian of Lithuanian independence, it feels that it is its most sacred duty to lay these facts before the Government.

To the Ministerial Cabinet,
To the President of the Constituent Assembly,
To the National Defence Commission of the Constituent Assembly,
To the Minister of National Defence.

(Signed)

V. PUTVINSKIS,
President of the Central Committee.

M. MIKELEVICIUS,
Vice-president of the Central Committee.

B. KEKÆNESIS,
Secretary of the Central Committee.

(Translation.)

ANNEX No. 2.

DECISION OF DIET OF WARSAW DATED NOVEMBER 17TH, 1921.

The Diet gives its consent to the holding in the territory of the district of Lida situated on the right bank of the Niemen and in the district of Braslaw, of elections for the territory of Vilna of representatives to the Assembly, in order that the wishes of the population may thereby be expressed. These elections shall take place in accordance with the principles laid down by the Provisional Commission of the Government of Vilna.

The Diet further authorises the Government to issue all the necessary orders relating thereto.

(Translation.)

ANNEX No. 3.

DECLARATION OF JEWISH GROUPS.

The political parties mentioned below and the Jewish Social groups make the following declarations :

1. The Jews are citizens of our country and are united to it by insoluble ties, and take as close an interest in its development as do other citizens. They regard themselves as bound to take a share in

the legislative Diet, in accordance with democratic principles, and in the interests of our country's domestic organisation (the framing of constitutional legislation and of all other legislation falling within the competence of the national representative organisations).

2. The Jews further consider themselves bound to take part in the plebiscite which is to determine the political allocation of the territory, but only subject to the adoption of measures for ensuring the proper carrying out of that plebiscite.

3. As regards the participation of Jews in the Diet, which is about to be convened, this question can only be decided after the publication of the corresponding decree which is to determine the competence and the purpose of this Diet.

Zionist Party;

Democratic Party;

Association of Merchants and Jewish manufacturers;

"Serei-Sion" Party.

Vilna, December 12th, 1921.

(Translation.)

ANNEX NO. 4.

DECLARATION BY THE VILNA-LITHUANIAN COMMITTEE WITH REGARD TO THE ELECTIONS TO THE VILNA DIET.

The Vilna-Lithuanian Provisional Committee sent the following letter, dated December 7th, to the President of the Election Commission of the Vilna district:—

"In reply to your letter of December 3rd, 1921, in which you ask the Lithuanian Committee of Vilna for a list of persons capable of sitting on the electoral commissions, the Committee begs to inform you that it cannot accede to your request for the following reasons:

"(1) The Vilna-Lithuanian Committee was established by the Lithuanian population of Vilna to provide for the protection and defence of their interests, which the Committee endeavours to represent to the best of its ability. It cannot, therefore, take part in any work which might be injurious to Lithuanian interests.

"(2) The Polish administration of the district for the last three years has proved that the Polish authorities and the organised part of the Polish population, whether inhabiting this district or coming from elsewhere, although forced to adopt a more friendly attitude towards the population than that displayed by them before this country was attached to Poland, persecute the Lithuanians in their public and private life and, often more than their former oppressors did, they persecute their priests, schools, newspapers, commercial and industrial institutions and societies, and make no secret of their intention to destroy everything Lithuanian in the Vilna district.

"(3) The Polish Party organised the Vilna Diet for the purpose of forcing the Vilna population to accept a union with Poland, and, finally, for the purpose of Polonising it by means of the occupation of the territory and by retaining for themselves a monopoly in the sphere of politics.

"(4) With this object in view, the Vilna population has long been propagandised by agitators coming from Poland, and supported by funds likewise coming from that country; at the same time severe measures are taken to prevent politicians from independent Lithuania from reaching the population of Vilna on this side of the line of demarcation and working in favour of Lithuania. Lithuanian politicians who are already on the spot are persecuted.

"(5) The Polish administration in the Vilna district has taken possession of all propagandist organisations, has taken over the management of the elections, has cut down Lithuanian institutions and diminished Lithuanian influence whilst continuing its persecution of Lithuanians to the last possible moment.

"(6) Under such circumstances, even the special rights promised for the period of the elections will be useless; the Diet, which comes into being as a result of these elections, will only represent the opinion of a minority of the population which has been wrought upon by agents coming from Poland; the result will be to delay the return of Vilna to independent Lithuania from whom Poland wishes to tear her, and will make the position of Lithuania and of the Vilna Lithuanians even more difficult than before.

"(7) For these reasons, the Lithuanian population of the Vilna district, not wishing to work against their country and countrymen, will not take part in the elections to the so-called 'Vilna Diet,' and the temporary Lithuanian Committee will therefore take no part in these elections."

ANNEX No. 5.

RESOLUTIONS ADOPTED BY THE NATIONAL WHITE-RUSSIAN COMMITTEE.

Whereas :

(1) White-Russian territory has been separated from Russia and has been artificially divided between "Central Lithuania" and Poland;

(2) Whereas in the dispute between Poland and Lithuania with regard to the territory of Central Lithuania, in which the White Russians undoubtedly form a majority of the population, the voice and interests of the White-Russian people have been completely ignored;

(3) Whereas the Diet of "Central Lithuania" which is to be summoned will only deal with one part of Western White Russia, whilst the other part is absolutely deprived of the right of making its desires known;

(4) Whereas regardless of the fact that "Central Lithuania" contains a number of different nationalities and that its territory is in dispute, all power is exclusively in the hands of one single nationality, namely, the Poles, and is moreover to a large extent in the hands of persons who are not natives of the district;

(5) Whereas the duties and the nature of the Diet have not yet been officially settled, and whereas the fact that it is being convened by one side does not convince us that the Diet can be regarded as faithfully representing the desires of the district;

(6) Whereas for almost three years, a campaign of oppression has been carried on against the White-Russian nation in White-Russian soil by every means at the disposal of the Government, and whereas White-Russian schools, newspapers and economic organisations have been suppressed, and all attempts at cultural and economic development of the White-Russian people in the district have been brought to nought;

(7) Whereas, as a result of this policy, which has now been followed for three years, the White-Russian population is disorganised and distracted and will not be able during the short election period of 30 days freely to express its opinions and desires with full knowledge of the facts, more especially since the necessary guarantees of freedom have not been proclaimed even for the period of the elections, and whereas at the present time the authorities are still following a policy which consists in suppressing White-Russian schools and the existing organs of the independent White-Russian Press, and preventing new ones from appearing, etc. :

The National White-Russian Committee hereby publicly declares : that the Diet of Vilna, the summoning of which has been long inscribed as a political watchword on the banners of all democratic parties will not represent the true wishes of the people unless and until all nationalities take part in the administration of the country on an equal footing and unless civil and national freedom is guaranteed for a longer period, unless the elections to the Vilna Diet are extended to all White-Russian territory which is separated from Russia. Only so will it be possible to effect the necessary union between all the various nationalities in the country, by the co-operation in the work of political reconstruction and by obtaining a genuine expression of the will of the people.

Vilna, December 10th, 1921.

(Translation.)

ANNEX No. 6.

STATEMENT BY THE NATIONAL WHITE-RUSSIAN COMMITTEE.

(Published in the Vilna newspapers on December 17th, 1921).

In reply to the statements which have appeared in the newspapers concerning the alleged congress of Western White Russia which met at Vilna on December 11th and 12th, the following information is published by the National White-Russian Committee, the only body which represents the whole of White-Russian Society :

This Congress was not convened by any of the National White-Russian Organisations, but only by the alleged "Regional Union" (*Zwiazek Krajowy*) in which the organised White-Russian Community is not represented. Not only were the White-Russian Organisations not invited to the Congress, but their representatives, who endeavoured in a private capacity to enter the Hall where the meeting took place, were ejected in the most violent manner; some of them, moreover, were struck and driven away by the organisers of the "Regional Union" and by the members of the Congress.

The Congress was composed not of the representatives of the White-Russian population, but solely of the members of the organisations of the "Regional Union" and of private persons invited by the agents of that Union.

Certain persons were invited to attend the Congress for the sole purpose of deciding questions concerning the White-Russian Schools, whereas, as a matter of fact, the character of the Congress was entirely political.

During the meeting of the Congress its members were terrorised by the organisers, who not only refused to hear persons suspected of opposition to the "Regional Union," but also confiscated the tickets presented and violently ejected from the meeting those members who did not meet with their approval.

In view of these facts, the Congress, which considered itself a Congress of "Western White Russia" was as a matter of fact a Congress exclusively drawn from the "Regional Union" and for this reason the decisions taken by it cannot in any way be regarded as representing the opinion of the mass of White Russians in Western White Russia.

(Translation.)

ANNEX No. 7.

VILNA POLICE NOTICE REGARDING THE PRESS.

PREFECTURE OF THE VILNA DISTRICT.

No. K. pf. L. 90/Sect.

Very Confidential.

21-5-1921.

To the Commandant of the State Police of the Vilna District.

The publication of the weekly periodical *Jednosc* has been started in the White-Russian language, printed in Latin characters. I should like to draw your attention to the fact that this periodical will favour union with Poland, and that no difficulties should therefore be raised as to its sale in the territory of Central Lithuania; on the contrary every endeavour should be made to enlarge the circle of its readers among the White-Russian population.

(Illegible),
Secretary.

ROZEN,
Prefect of Vilna.

Certified true copy
ABRAMOWICZ,
Acting Secretary.

II.

ARREST AND EXPULSION OF LITHUANIANS AND WHITE RUSSIANS LIVING IN THE VILNA DISTRICT.

REPORT BY THE PRESIDENT OF THE MILITARY COMMISSION OF CONTROL.

Warsaw, February 12th, 1922.

The arrests of Lithuanians and White Russians at Vilna began on January 20th with the imprisonment of the principal Lithuanian leaders, including Michael Birziska, chairman of the Lithuanian Committee and Canon Kuchta, of the Cathedral Chapter, a member of the same committee.

During the next few days, some 50 persons were arrested; most of them were Lithuanians and White Russians, but they included 3 Poles and 1 Jew. Out of this number, 15 were released after being questioned, 2 are still in prison at Vilna, charged with offences of another sort, and 33—including 20 Lithuanians and 13 White Russians—were deported to Lithuania.

They were conveyed by rail on February 5th to Jateluny, a Polish frontier post in the direction of Kovno. They crossed the neutral zone under escort and were handed over to the Lithuanian outposts, who sent them in to Kovno.

The Commission questioned them on February 7th and 8th. The statements made by the principal members of the Lithuanian and White-Russian Committees confirm the accounts given in the three documents attached to the present Report, namely:

(a) Letter from the Representative of the Lithuanian Government on the Commission of Control, dated February 7th (Annex 1);

(b) Protest by the Lithuanian Provisional Committee at Vilna (Annex 2);

(c) Lists of Lithuanian and White-Russian citizens expelled from Vilna on February 5th, 1922. (Annexes 3 and 3a). None of the persons expelled knows who can have instigated the action taken against them. They say, however that two months previously a leading article in the *Rzeczpospolita*, an

organ of the Right, urged that they should one and all be arrested as a necessary measure which brooked no delay.

They are inclined to believe that the Vilna authorities desired, in this way, to get possession of some documents, which the two committees had collected in order to establish certain irregularities committed during the elections to the Vilna Diet.

Of the nine persons who were questioned by the Commission and who may be taken as representing the views of the remainder, eight are prepared to go back to Vilna to be tried by the Polish Courts, while one asks to be allowed to go back to Vilna at once and will undertake to abstain from all political activity in the future.

On the 10th the Assistant Public Prosecutor at Vilna, who had special charge of the case, made a statement to the Commission which may be summarised as follows:

Until last August all questions concerning the defence of the State were dealt with by the Defence Office of General Zeligowski's staff. Since that date they have been handed over to the Civil Court; the recently constituted political police force was in December last placed at the disposal of that Court.

The police force has devoted special attention, ever since its formation, to the activities of the Lithuanian and White-Russian Committees.

In September last eight separate prosecutions, apparently unconnected with each other, were being conducted in regard to questions concerning the defence of the country. Two of these prosecutions have now been withdrawn for lack of evidence, the remaining six are proceeding.

The information obtained by the political police showed that these six affairs in reality constituted a single case and that the accused persons belonged to a single organisation.

At the end of December, 1921, the evidence already collected was sufficient to justify the arrest of the persons compromised.

The first arrests were to have taken place on January 2nd. The Public Prosecutor thought it advisable to postpone them for two reasons:

(a) To avoid any occasion for disturbance during the elections which were to take place on January 8th;

(b) To avoid giving the arrests the appearance of being directed against the parties of the opposition.

The Assistant Prosecutor adopted this view all the more willingly because rumours of intended arrests had been disseminated in the Press and because certain local newspapers had announced them for February 2nd.

The two Prosecutors state that they acted on their own initiative and responsibility, considering it necessary, quite apart from any political consideration, to set the law in motion without delay against persons who were working against the security of the State.

Neither the civil and military authorities at Vilna nor the Government at Warsaw were informed.

About half of the accused persons were arrested on a warrant issued by the Public Prosecutor; the remainder were arrested by the political police in consequence of compromising documents discovered during visits at their houses.

The Assistant Prosecutor admitted that some of the expelled persons—about 10—had not been questioned. He justified this on the grounds that it was impossible to question such a large number of persons in such a short time, that he was obliged to examine, at the same time, the numerous documents which had been seized, and that he was bound, in accordance with custom, to question in the first instance those charged with the least serious offences, so that they could be released if it were thought advisable.

In spite of the expulsion of the most important of the accused persons, a proceeding which the Public Prosecutor had always opposed and which, to a certain extent, compromised the whole question, the prosecution is proceeding and the Prosecutor therefore says that he is unable in these circumstances to lay the evidence which he possesses before the Commission, and that he must confine himself to the following general statements:

The Kovno Government has organised in the Vilna district a sort of clandestine government which consists of the Lithuanian Committee.

Moreover, the White-Russian Government of Lastovski, which is at Kovno, employs the White-Russian Committee at Vilna as a kind of affiliated organ.

These two committees, whose ostensible object was the promotion of philanthropic works, were really conspiring to overthrow the established authorities at Vilna by the following means:

(1) By encouraging dissensions and hatred between the different nationalities which inhabit the country;

(2) By taking advantage of the special circumstances of the country to provoke agrarian unrest;

(3) By organising a secret military force and by forming bands of Lithuanian partisans in the neutral zone and in the district adjoining that zone.

Several carriages loaded with arms, particularly rifles and bombs, have been brought from Lithuania into the neutral zone and the adjacent Vilna district. The places where these weapons are stored are approximately known, but none of them have yet been discovered;

(4) By collecting information for the Kovno Government regarding the Polish military forces, their strength, distribution, and the morale of the troops and officers; by taking advantage of the varied character of the local troops and creating dissension among them;

(5) These agitators shrank from no means to attain their objects; they were not Communists, but they were in contact with Communist organisations and agents;

(6) The most intimate union existed between the Lithuanian and the White-Russian Committees. The latter was in a very precarious financial situation; it received financial support, as did the White-Russian newspapers, from the Lithuanian Committee.

A number of White-Russian agitators have arrived from Bolshevik Russia and established themselves in Vilna and the neighbourhood. These agitators have organised bands of "Ref-Troiki" of two categories:

(a) Nationalist bands animated solely by White-Russian sentiments;

(b) Communist bands who seek to provoke agrarian unrest and who even resort in some cases to acts of terrorism. During the last few months there have been numerous acts of incendiarism on estates and many isolated houses have been burned in different parts of the district;

(7) The Lithuanian bank at Vilna was a branch of the Bank of Commerce and Industry at Kovno, which really fulfils the role of a state bank.

This bank furnished the Lithuanian Committee with the funds which it required, and various financial operations in which it was concerned were obviously intended to lower the rate of exchange of the Polish mark. This bank maintained connections and carried on transactions through Kovno with the German banks.

Speaking generally, it may be said that the persons expelled have been the principal organisers of a vast conspiracy directed against the safety of the Central Lithuanian State, and that the threads of this conspiracy lead from Kovno through Vilna into the Bolshevik territory.

It may be added that M. Meystowicz, head of the Vilna Provisional Government, admitted to the Commission that he only agreed to release the prisoners as result of pressure brought to bear on him by the Polish Government, and then only on condition that they should be expelled from the District.

He stated that in no case could he authorise them to return, except to go back to prison and to be tried according to the laws in force in Vilna.

CONCLUSION.

It is difficult to arrive at any definite conclusion from the information collected at Kovno and Vilna.

On the one hand, the Lithuanians state that "we never had recourse to subversive or illegal action and we only defended our rights within the limits of the laws and decrees in force."

On the other hand, the Public Prosecutor at Vilna maintains that he possesses numerous and overwhelming proofs of an undoubted conspiracy against the security of the State.

The Commission asked the Prosecutor to show them these proofs. The Prosecutor took refuge in the professional secrecy which prevents him from disclosing any document to a third party so long as proceedings are still pending. According to his statement, proceedings will continue for four or five months. Under these circumstances, the Commission cannot give a considered opinion as to the facts at issue.

The Commission can only place on record the following points:

(1) There is no doubt that the Kovno Government and the Lithuanian and White-Russian organisations were working together in complete understanding with each other;

(2) These organisations consider and declare that Vilna is the capital of Lithuania and that it is temporarily and illegally occupied by the Poles; while seeking to maintain and develop Lithuanian interests in Vilna, they are working openly against the *de facto* regime instituted in that town. Have they, in doing so, exceeded legal limits? The Commission has no evidence that they have done so;

(3) As regards Polish action, these arrests were carried out by the order of the local judicial authorities. The Warsaw Government was not informed, although the case—apart from the criminal character which the Public Prosecutor attributes to it—was clearly of a political nature;

(4) As soon as the Polish Government was informed, it took all possible steps to secure the release of the persons arrested. It was met with refusal by the local authorities, and, after two weeks' discussion between Vilna and Warsaw, could obtain nothing more than the expulsion of the prisoners.

The Commission is of opinion that these arrests and the expulsions which followed them are a most regrettable occurrence, and that they are calculated to aggravate the tension which already exists between the two countries. Even admitting that the Polish authorities possess irrefutable proofs of the guilt of the accused and were compelled in the interests of public order to put an end to the political activities of the Lithuanian and White-Russian organisations at Vilna, they could, and they should, have employed other means for attaining these objects.

III.

REPORT OF THE PRESIDENT OF THE MILITARY COMMISSION OF CONTROL ON THE WORK OF THE COMMISSION BETWEEN THE JANUARY SESSION OF THE COUNCIL AND FEBRUARY 17TH, THE DATE OF ITS DISSOLUTION.

March 6th, 1922.

Immediately after the meeting of the Council at Geneva in January the Military Commission, which had left only one of its members, Colonel Tsutsui,—together with Dr. Lassitch, Secretary of the Commission,—at Vilna, returned to Kovno to get information on the latest measures taken by the two Governments and, if possible, to settle before its departure the questions which were still undecided.

The first task of the Commission was to discover what were the intentions of the two Governments following upon the Council's last decision. The information obtained from both sides entirely corresponded with the replies which they addressed to M. Hymans on January 21st and 23rd last and which were forwarded to the Members of the Council.

The Polish Government declares itself ready to accept the Council's recommendations regarding the re-establishment of diplomatic and consular relations and the substitution of a provisional frontier-line for the present neutral zone.

The Lithuanian Government, on the other hand, is only willing to resume diplomatic and consular relations if Poland undertakes to comply with the terms of the Treaty of Suwalki, that is to say, to withdraw the Polish troops and administration from the Vilna territory.

Further, it refuses to agree to the fixing of a provisional frontier-line replacing the neutral zone, and adheres to its request that a High Commissioner should be appointed by the Council to administer the disputed territory.

Quite recently, at the end of January, the Lithuanian Government made overtures at Warsaw with a view to resuming direct negotiations with the Polish Government without any intermediary, and independently of the League of Nations.

The various letters exchanged between the two Governments on this subject showed once more that their views had not changed, and that the Lithuanian Government made the evacuation of the Vilna territory by the Polish troops and administration the fundamental condition of any conversation with the Polish Government.

Colonel Chardigny, on arriving at Warsaw on February 23rd, learned of the arrests of Lithuanians and White Russians which had just taken place at Vilna under the orders of the judicial authorities of that city.

He immediately applied to the Polish Government for the release of the persons arrested, and learnt that the arrests had been made without the knowledge of the Polish Government, which had already taken steps to secure their release.

Every attempt, including the despatch to Vilna of a delegation under M. Naruszewicz, Minister of Public Works, and a native of that district, failed to overcome the stubborn resistance offered by the local authorities.

Finally, on February 5th, under pressure from the Polish Government, which had been unable to secure their release, 33 persons were taken to the frontier and banished to Lithuania; the others were set free at Vilna, as no adequate charge could be preferred against them.

Without waiting for the Secretary-General's instructions, telegraphed on February 7th, to obtain information on the spot as to these arrests and to make an official report to the Council, the Commission had already begun to make enquiries and had arranged for the interrogation of the expelled persons who arrived at Kovno on February 6th.

This interrogation took place on February 7th and 8th. The leading members of the Lithuanian and White-Russian Committees confirm the statements made in the three documents annexed to this report :

(1) Letter from the representative of the Lithuanian Government to the Commission of Control, dated February 7th (Annex No. 1);

(2) Protest from the Vilna Provisional Committee (Annex No. 2);

(3) Lists of the Lithuanian and White-Russian citizens expelled from Vilna on February 5th, 1922 (Annexes Nos. 3 et 3a).

None of the persons questioned knows who was responsible for the measures taken against them, but they are inclined to suppose that the Vilna authorities wished in this way to obtain possession of documents collected by the two Committees to prove certain irregularities which occurred during the elections for the Vilna Diet.

Of the nine persons questioned by the Commission, and who may be regarded as representing the general opinion of all the others, eight are ready to return to Vilna and stand trial before the Polish Courts; one asks to return at once, undertaking to abstain from any further political activity.

At Vilna on February 10th and 11th, in the presence of M. Soltan, Polish delegate, and M. Meysztowicz, President of the Provisional Government, the Commission obtained the following explanations from the judicial authorities:

For some time the military authorities, and latterly the police, had kept a close watch on the Lithuanian and White-Russian Committees.

In this way they had ascertained, at the end of last year, that the Lithuanian Committee was really a secret Government dependent on the Kovno Government, that the White-Russian Committee worked in close contact with it, and received subsidies from it, and that these two Committees, under the cloak of humanitarian and social work, were aiming at the overthrow of the established power in Vilna.

With this object, they were attempting to foment strife between the different nationalities inhabiting the country, to provoke agrarian disturbances, and to organise a secret military force of Lithuanian and White-Russian partisans. Further, they appear to have acted as agents of the Kovno Government for obtaining information on the position of the Polish forces of occupation, and to have been in constant communication with the Communist agents and organisations in the district.

The evidence collected by the judicial authorities enabled them to make these arrests.

It was only owing to the Polish Government's intervention that the persons arrested were, on the order of the Vilna Executive, which refused to release them on the spot, expelled from the territory.

The preliminary proceedings are, however, still in progress, and the President of the Provisional Government has stated to the Commission that he can only consent to the return of the expelled persons on condition that they return to prison and await trial in accordance with the laws in force.

This last incident which has occurred at Vilna shows that the Commission of Control cannot, in the special conditions in which it is called upon to act, either prevent such abuses or even ascertain whether or not the measures of repression adopted by either side are justified.

On February 9th, when the Commission was on the point of leaving Kovno, it received a telegram from the Polish Ministry for Foreign Affairs, calling attention to the bad sanitary conditions under which the Polish prisoners were compelled to live in the Kovno prison.

The President of the Commission appointed Major Keenan to examine the situation of these prisoners.

On February 13th, Major Keenan sent to the President of the Commission a telegraphic report (Annex No. 4), according to which there are 117 Polish prisoners detained at Kovno.

Up to the present, six deaths have occurred, three of them in January and February last; one was from typhus, two from influenza, and three from phthisis. There are at present two cases of typhus among the prisoners; four recent cases have been cured.

On receiving this telegram, Colonel Chardigny sent the following telegram to Major Keenan:

"The information in your telegram of February 13th shows that the sanitary conditions in which the Polish prisoners at Kovno have to live are bad. I should be grateful if you would prevail upon the Lithuanian Government to take immediate steps to improve their situation."

After a short stay at Warsaw the Commission was, in accordance with the instructions of the Council, dissolved on February 17th. Its members were left free to return at their leisure to their respective countries.

(Translation.)

ANNEX No. 1.

LETTER FROM IGNACE JONYNAS, REPRESENTATIVE OF THE LITHUANIAN
GOVERNMENT TO THE COMMISSION OF CONTROL.

Kovno, February 7th, 1922.

To the Military Commission of Control of the League of Nations.

The Polish Government has just expelled from the Vilna territory the twenty Lithuanians and thirteen White-Russian notables whom it had arbitrarily arrested and detained in prison for about two weeks. These persons were roused during the night of February 4th-5th and conveyed by rail to the neutral zone, near Vievis (Yevie), where they were released.

The expulsion of these Lithuanian and White-Russian notables is as arbitrary as was their arrest. It can only be explained by the fact that the authorities of the Polish Occupation are unable to bring the smallest charge against them which could be submitted to the Courts, and also by the desire of the authorities to remove from the Vilna district all persons who might work in opposition to the Polish propaganda.

In consequence of this expulsion, all the Lithuanian and White-Russian social and educational institutions at Vilna, and also the Press organs of these two nations, are deprived of their management staff, and, in the majority of cases, also of their funds, which were seized at the time of the police raids. The protest drawn up by the Lithuanian Provisional Committee, which I venture to annex to this letter, gives a very true picture of the severity of the blow which these police raids have inflicted upon the Lithuanian national cause at Vilna. In ordering the expulsion of these notables the Polish Government has clearly only one object in view: to prevent any resumption of Lithuanian and White-Russian national activities.

Under these circumstances I have the honour to request the Military Mission of Control of the League of Nations to induce the Polish Government to revoke the order of expulsion against Lithuanian and White-Russian notables and to authorise these persons to return immediately to their homes at Vilna and resume their national activities, which have never exceeded the limits set by the laws and regulations of the authorities of the Polish occupation.

A copy of this letter will be sent to the Council of the League of Nations.

(Translation.)

ANNEX No. 2.

PROTEST BY THE PROVISIONAL LITHUANIAN COMMITTEE OF VILNA.

On January 20th, 1922, and on the following days, the police of Central Lithuania made at Vilna a number of raids for political reasons on the premises of Lithuanian educational and charitable institutions, and on the houses of many prominent Lithuanians. Among the places thus raided were the offices of the Provisional Lithuanian Committee and those of the Central Committee for Relief to Sufferers by the War, and also the editors' and managers' offices of all the Lithuanian newspapers, in particular those of the *Vilnietis*, the *Glos Litwy*, the *Vilniaus Garsas* and the *Nasza Ziemia*. Visits were also carried out at the houses of Michael and Victor Birziska, Canon Joseph Kukta, A. Rondonanskis, Miciulis, Stadzevicius and others.

These police raids were carried out without any regard for the formalities which are required by the laws of all—even the least civilised—countries. Thus, in the case of the Provisional Lithuanian Committee's offices, the entrance door and two inner doors were forced in the absence of the members and staff of the Committee, and the cupboards and drawers were broken open or opened with false keys. Not being able to find anything of a compromising nature, the police took possession of everything on which they could lay their hands: seals, books, minutes, documents, and even an electric calculator. In other places they carried off some Lithuanian printed matter of the most innocent nature, some reserves of cash, some gold and silver articles, linen, &c., besides clothing belonging to individuals and other articles of no political importance. Some commercial and industrial share-certificates have disappeared from the house of M. Semaska, who was ill in bed at the time of the raid.

Although all these raids only produced the results mentioned above, the persons whose houses had been visited were taken into custody, including : Michael and Victor Birziska, Canon Joseph Kukta, A. Rondonanskis, T. Sulcas, Dr. Augustaitis, B. Stadzevicius, P. Miciulis, F. Insoda, J. Milleris, J. Grabauskas, A. Miciunas, Vaiciunas, Mme. Marcisauskiené and many others.

The persons arrested are well known for their achievements in social and intellectual spheres, some of them were heads of social and educational institutions, other had control of Lithuanian newspapers.

It is obvious that the arbitrary arrest of these persons has struck a serious blow at the intellectual and social life of the Lithuanians at Vilna. The Provisional Lithuanian Committee has been deprived of its President and its Treasurer. The Secondary School has lost its headmaster and many of its teachers, and the Primary School is also left without a headmaster. All the Lithuanian newspapers have been deprived of their editors and of their principal contributors. Other centres of Lithuanian activity and labour have suffered in the same way owing to the sudden loss of their permanent assistants. Our charitable institutions are also exposed to a serious crisis owing to the arrest of their curators and the seizure of their funds. As a sequel to these atrocious proceedings, the Polish Press at Vilna published a semi-official communiqué justifying the arrests and raids by damaging accusations against the Lithuanians. The persons arrested were accused, in this communiqué, of being engaged in espionage, Bolshevik propaganda, and proceedings calculated to excite disturbances in the country and subvert the existing order of things, and also with having promoted dissensions between the various nationalities.

This communiqué appeared under an insulting heading which accorded well with its contents ("Discovery of an Espionage Organisation") and with comments which showed the satisfaction of the Polish Press.

Now whereas we Lithuanians have never employed subversive or illegal methods and have only defended our rights within the limits of the laws and decrees in force;

And whereas our leaders who have been arrested never exceeded those limits and were only guilty of displaying more zeal than their fellows in their social and educational work and in their defence of the rights of Lithuania and the Lithuanian people to Vilna, their capital;

And whereas all these events have occurred at a moment when the struggle for our political future—internal and external—has attained its climax, we are forced to conclude that the acts and accusations set forth above are designed with the threefold object of :

- (1) Stifling every expression of social and intellectual activity in the country;
- (2) Terrorising the Lithuanian community and the pioneers of its nationality;
- (3) Blackening the reputation of the Lithuanian leaders in the eyes of their fellow-citizens of other races and thus setting the latter at enmity with everything Lithuanian.

These deplorable occurrences furnish fresh evidence of the manner in which the intellectual and social efforts of the Lithuanian nation are harassed on the ground of allegations which are entirely without foundation.

If we consider, in conjunction with the above proceedings :

The expulsion of the Lithuanian schools and philanthropic institutions from the premises which they had hitherto occupied,

The closing of the Secondary School at Svienciany,

The winding up of commercial and financial undertakings,

The obstacles placed in the way of the teaching of Lithuanian in the country districts,

It is evident that we are confronted with an organised and malicious campaign for the destruction of everything calling itself Lithuanian.

In reply to these systematic attacks directed by the local authorities and the Polish Press against our national and intellectual life, and against ourselves as Lithuanian citizens, the Provisional Lithuanian Committee of Vilna draws the attention of the whole Lithuanian nation to the imminent danger with which it is threatened and records, before the whole civilised world, its resolute and fervent protest.

(Signed)

Dr. AUGEVICIUS.

K. STASYS.

B. BIRZISKIENE.

K. CIBIRAS.

S. JACKEVICIUS.

Vilna, January 4th, 1922.

(Translation.)

ANNEX No. 3.

LIST OF THE LITHUANIAN CITIZENS EXPELLED FROM VILNA BY THE PROVISIONAL GOVERNMENT OF CENTRAL LITHUANIA ON FEBRUARY 5, 1922, AFTER HAVING BEEN DETAINED, SINCE JANUARY 20TH, IN THE PRISON OF LUKICHKI.

1. Dr. John AUGUEVITCH (Augėvicius), secretary of the Provisional Lithuanian Committee, Doctor to the philanthropic institutions and schools, and medical official of the town of Vilna. Leaves at Vilna a family without means of support. Was not interrogated by the Public Prosecutor.
2. Francis AUGUSTAITIS, Doctor of philosophy; co-editor of the *Vilnietis*; member of the Lithuanian Scientific Committee; owner of a house at Vilna; leaves his wife at Vilna without means of support.
3. Mykolas (Michael) BIRZISKA, President of the Provisional Lithuanian Committee; headmaster of the Lithuanian Secondary School; editor of the newspaper *Vilnietis*; member of the Committee of the Lithuanian Scientific Society. Has left behind him his family consisting of four persons; has, resided at Vilna for 18 years;
4. Victor BIRZISKA, engineer; teacher at the Lithuanian Secondary School; on the staff of the newspaper *Glos Litvy*. His wife lives at Warsaw. During the police raid on his house 400,000 Polish marks were taken from him, in spite of his protests.
5. Jurgis (George) MILLERIS, teacher at the lay seminary; headmaster of a primary school. During the police raid on his house 600 German marks were taken from him.
6. Juczas (Joseph) GRABAUSKAS, headmaster of a primary school; editor of the newspaper *Nasza Ziemia*, owner of a house at Sevny. Has left his wife and 6 members of his family at Vilna without means of support. Was not interrogated.
7. Canon Joseph KUKTA, member of the Chapter; President of the Lithuanian Committee for Relief to Sufferers by the War; member of the Provisional Lithuanian Committee; owns a house at Vilna. Was made to give up 60,000 paper Russian roubles, 60 gold Russian roubles, and 60,000 German marks. Has lived at Vilna for 37 years.
8. Marie MARGISAUSKAITE, editor of the *Vilniaus Garsas*, was made to give up 17,000 Polish and 125 German marks. Manageress of the Lithuanian Pension. Was not interrogated.
9. Stanislaus JACKEVICIUS, member of the Provisional and Central Committees; manager of the publishing house *Svyturys*, owner of a house at Vilna.
10. Juczas DYSA, apothecary of the Lithuanian Medical Society; steward of the Lithuanian Polyclinic. Owner of houses at Vilna; leaves behind a family at Vilna; was not interrogated.
11. Petras INSODA, painter; member and director of co-operative societies. He has had to leave without handing over the accounts and finances of these societies.
12. Andrius MECIUNAS, student at the lay seminary. Was not interrogated.
13. Ceslavas LANDSBERGIS, manager of the Lithuanian Bank. Owns four houses at Vilna, has left his wife at Vilna; was not interrogated.
14. Bolesas STADZEVICIUS, manager of Lithuanian newspapers. Owns a house and printing works. Manager of the Vilna section of the "Snop" Company. Has lived at Vilna since his birth, 47 years ago. Leaves behind him a family of six persons.
15. Andrius RONDONANSKIS, journalist; teacher at the Lithuanian Secondary School; leaves behind a wife and family of five persons without means of support. Has lived at Vilna for 20 years.
16. Jonas SEMASKA, merchant, manager of a section of the "Birute" Company. Has lived at Vilna for 9 years. Has left behind a family of two persons. Was not interrogated.
17. Tadas SULCAS, engineer; contributor to the *Vilnietis* newspaper. Was not interrogated. Has left his wife destitute.
18. Juczas PAVYDIS, railway employee.
19. Jonas VAICIUNAS, hairdresser.
20. Puis MICIULIS, vice-president and director of the Lithuanian Medical Society; editor of the newspaper *Glos Ludu*. Leaves destitute a family of three.

NOTE I.—Documents were removed during the Police raid.

NOTE II.—All the persons expelled are permanent inhabitants of Vilna.

ANNEX No. 3a.

LIST OF WHITE-RUSSIAN CITIZENS EXPELLED FROM VILNA BY THE PROVISIONAL GOVERNMENT OF CENTRAL LITHUANIA ON FEBRUARY 5TH, 1922.

1. John Ignatevitch KRASKOVSKI, president of the Co-operative Association of Vilna; secretary to the White-Russian Educational Council, and teacher at the White-Russian Secondary School. His family numbers seven persons; he has lived at Vilna since 1890; he was educated there and before the war was an inspector of Secondary Schools and member of the Municipal Council. Was not given a copy of the charge against him and was not interrogated.
2. Vladimir Mikkailovitch PROKULEVITCH, on the staff of the president of the National White-Russian Committee and member of the White Russian Musical and Dramatic Club as well as president (by election) of the Council of Magistrates for the district of Sluck during the German occupation; magistrate during the Polish occupation; president of the Sluck Council, was in charge of the defence against the Russian Bolsheviks in 1920 and 1921. His wife remains at Vilna.
3. Alexander Josephovitch KARABATCH, vice-president of the White-Russian Committee for Relief to War Victims, assistant to the President of the Central Office of the Association of Central Lithuanian Agricultural Workers; member of the White-Russian National Committee at Vilna; has lived at Vilna for 16 years.
4. Major Andrew Pavlovitch JAKUBETSKI, secretary of the White-Russian National Committee; teacher at the White-Russian Secondary School at Vilna; President of the former Military Commission organised by decree of the Head of the Polish Government in 1919. Commander-in-Chief of the White Russian Army during the invasion by the Russian Bolsheviks.
5. Maxime Ivanovitch GORETSKI, teacher at the White-Russian Secondary School at Vilna; editor of the newspaper *Belorusskie Vedomosti*; member of the White Russian National Committee. White-Russian author.
6. Polycarpe Mikkailovitch NEVIADOMSKI, secretary of the Central Office of the Association of Central Lithuanian Agricultural Workers; member of the White Russian National Committee; has a family of four; has lived at Vilna for 32 years.
7. Vladimir Andrevitch MIKKAILEVITCH, editor of the newspaper *Beloruski Dzvion*, contributor to White-Russian newspapers; member of the artistic section of the White-Russian Musical and Dramatic Club at Vilna. Has lived at Vilna for 15 years. Was not interrogated or given a copy of the charge against him.
8. Alexander Ivanovitch POLIKCHA, on the staff of a President of the Central Office of the Association of Agricultural Workers of the Vilna district; ensign in Russian Army; was wounded in the great war. After his arrest his house was plundered by unknown persons, some of whom were armed and in uniform. He has lost 4 million Polish marks, besides 300,000 marks which had been left in his charge.
9. Vincent Josephovitch LEMECH, secretary of the Association of Agricultural Workers of the Vilna district, member of the Artistic and Dramatic Club.
10. Vlas Vassilievitch DOUBINA, secretary of the National White-Russian Committee of Vilna. Formerly on the staff of the President of the Sluck Council; took an active part in the rising against the Russian Bolsheviks.
11. Timothy Alexieovitch MECHETCHEK, member of the Sluck Council; took part in the rising against the Russian Bolsheviks; has lived at Vilna since 1900.
12. Sergius Lazarovitch ROGATCH, compositor in the White-Russian Typographers' Co-operative Association "Druck"; has studied at the University; officer in the Russian and White-Russian armies; took part in the anti-Bolshevik rising at Sluck. After being interrogated for four hours the investigating magistrate of the Sixth District of Vilna town informed him that he was released and took his signature.
13. Zenaida KOUPCHIK, employed in the Vilna telegraphic service before the war and now under the Polish Government. Was arrested on coming off duty; was not interrogated or given a copy of the charge against her. Has left at Vilna two young children with no one to look after them.

ANNEX No. 4.

TELEGRAM FROM MAJOR KEENAN TO COLONEL CHARDIGNY.

Dated *February 13th, 1922.*

I was not able to visit the prisoners myself. I learn on reliable information that the Polish prisoners are receiving suitable care and medical treatment and that civilian doctors are allowed to attend them, if they desire it, in the prisons. The only case of death from typhus has been that of Vladislav GORNEVSKI on December 15th, 1921.

Five other deaths have occurred among the prisoners :

Thadeus P. DEMBINSKI, May 6, 1921, influenza;

Antony BUKRABO, phthisis;

Constant ALEXANDROVITCH, January 2, 1922, influenza;

Adam ZEUNIS, January 25, influenza;

Michel CIBAROWSKI, February 4, phthisis.

There are at present two cases of typhus :

John CONSTANTINOVITCH;

John NEKRASH.

Four persons who had typhus have recovered: Vladislav KUDREVITCH, Raymond KOWALEC, Casimir SIFRAWITCH, Michel KALINO. There are in all in the prison 117 Polish prisoners of whom eight are now in hospital. These prisoners are occupying 15 cells which normally accommodate 96 persons.

IV.

THE ELECTIONS TO THE DIET OF VILNA.

(*January 8th, 1922.*)

REPORT BY THE PRESIDENT OF THE MILITARY COMMISSION OF CONTROL.

Geneva, *March 20th, 1922.*

The elections to the Diet of Vilna took place on January 8th, 1922. The territory in which they were held corresponds approximately to the disputed area between the present neutral zone and the frontier established by the Treaty of July 12th, 1920 (exclusive of Grodno and the district of Volozyn). This territory includes :

(1) The territory known as Central Lithuania, administered by the Provisional Commission of the Government of Vilna (the districts of Vilna, Swienciany, Troki and Oszmiana);

(2) The district of Lida on the right bank of the Niemen and the district of Braslaw, which are under the administration of the Polish republic and which took part in the elections on January 8th by virtue of the decision of the Diet of Warsaw of November 17th, 1921.

The electoral area was divided into ten constituencies: Swienciany, Komaje, Oszmiana, Troki, Vilna-North, Vilna-South, Vilna-Town, Lida, Wasiliski and Braslaw. It includes a population of some 750,000 inhabitants, of which 385,000 (53 per cent.) were registered on the electoral rolls.

January 8th was a fine cold winter's day and the snow-covered roads were in excellent condition for sleighing; the weather conditions might indeed be said to have been quite perfect, affording every facility to the electors to proceed to the polls.

The Lithuanian Committee, the various Jewish groups and the National White-Russian Committee, in conformity with their previous declarations, took no part in the elections and, therefore, presented no list of candidates.

Speaking generally—although a limited number of Lithuanian electors in the country districts appeared at the polls for special reasons,—it may be said that the majority of the Lithuanian population of the region of Vilna abstained from voting.

The Jews of the town of Vilna, also, almost entirely abstained from voting. In the country districts, particularly in the settlements where the Jews live in small groups and are in close contact with the rest of the population (of which they constitute the commercial element), a certain number of Jews voted in order not to appear conspicuous to their fellow-citizens and to avoid compromising their position.

The White-Russian Committee of M. Aleksyuk, which was favoured officially, only submitted a list in two electoral districts, *i.e.*, Oszmiana and Komaje. No candidate figuring on either of these two lists

was elected, so that the Diet of Vilna contains no White-Russian Deputy. This fact is significant; it shows on the one hand that the White Russians had no confidence in M. Aleksyuk's candidates because of their close relations with the Polish authorities and, on the other, that the independent White Russians refused to take part in the elections. It would, nevertheless, be wrong to conclude that the White Russians boycotted the elections; many of them, particularly Catholics, voted for the Polish lists, influenced by the promise of agrarian reforms and by the propaganda of the Polish priests.

According to the accounts published by the Polish press, 63 per cent. of the registered electors took part in the elections. Of the 106 seats comprising the Diet of Vilna, the National Democrats won 43; the popular National Councils, 34; the Populists, 13; the Democrats, 4; the Radicals, 9; and the Socialists, 3. The Diet of Vilna is thus composed exclusively of Polish deputies, in spite of the mixed character of the population of the region.

It is impossible to give a precise opinion on the value of these elections, but there seems grounds for asserting that the limited number of votes cast by the Lithuanians and the Jews and the larger number cast by the White Russians merely served to increase the number of voters without having any political significance, or any moral value.

The following points are also worthy of notice :

1. The commissions entrusted with the organisation and management of the elections were composed almost exclusively of Poles :

2. The voters appeared at the polls without cards of identity or certified documents of any kind. The voter had merely to mention a name on the list, and he was able to register his vote.

The control of the elections was thus entirely in the hands of the interested party.

As the Lithuanians and Jews and a large proportion of the White Russians officially abstained from taking part in the elections, and that, moreover, the elections were carried out under military occupation, where the Polish element had all the governmental machinery at its disposal, it would seem impossible to regard the present Diet of Vilna as the real and sincere expression of the whole population of the electoral territory.

(Signed) Colonel CHARDIGNY,

President of the Military Commission of Control of the
League of Nations.

Dr. LASSITCH,
Secretary.

II.

DISPUTE BETWEEN LITHUANIA AND POLAND.

Note by the Secretary-General :

The following letter from the Lithuanian Minister for Foreign Affairs and the petition which accompanies it are transmitted, at his request, to the Assembly.

LETTER FROM THE LITHUANIAN MINISTER OF FOREIGN AFFAIRS TO THE SECRETARY-GENERAL.

(Translation.)

Kovno, August 8th, 1922.

SIR,

I have the honour to transmit to you a petition addressed to the League of Nations by the Provisional Lithuanian Committee of Vilna.

You will find in this document convincing proofs that the Polish Occupying Authorities are methodically carrying out their schemes for the polonisation of the Vilna district. After having first imposed a rigid censorship on the Lithuanian press and subjected the Lithuanian journalists to the most insufferable treatment, they have now suppressed the Lithuanian newspapers altogether. The Lithuanian schools have been similarly victimised; many of the teachers have been expelled; the students have been deprived of the benefit of the Lithuanian boarding-schools and homes. Lithuanian commercial and industrial establishments have been crushed by taxation or arbitrarily closed. In short, the persecution of the Lithuanian population is being carried out by every possible means.

Moreover—a fact which appears to me of exceptional gravity—the Polish authorities are compulsorily recruiting the Lithuanian and White-Russian population of this territory, a region regarding which Poland possesses no kind of legal claim. I could not therefore neglect to impart to you my grave apprehensions

in regard to a situation which, in the words of the petitioners, may end disastrously both for peace and for public security.

I shall be deeply obliged if you will be good enough to bring the petition of the provisional Lithuanian Committee of Vilna to the notice of the Third Assembly of the League of Nations.

I have, etc.,

(Signed) JURGUTIS,
Minister for Foreign Affairs.

PETITION TO THE LEAGUE OF NATIONS FROM THE PROVISIONAL
LITHUANIAN COMMITTEE OF VILNA.

(Translation.)

The extremely distressing position in which Lithuanians in the Vilna District are placed, the oppression of the Polish domination and the profound confidence which we possess in the justice and the great authority of the League of Nations, encourage us to appeal to you, to take action on our behalf in defence of our rights.

We, Lithuanians of the Vilna District, have been forced to live for four years now under the extremely hard and difficult conditions created by the Polish authorities.

The Vilna question has long since ceased to be a question affecting one particular country; it has become an entirely international question and has not yet been definitely settled as such. Nevertheless, the Poles have taken up the position here and are acting as if the Vilna question were exclusively an internal question affecting their country alone and as if they were the sole true and legitimate owners of the Vilna District.

After having convened, under the protection of Polish gendarmes and the Polish Army, a Diet exclusively Polish and biased in character, they are relying upon the decisions of this Diet and are asserting that the District of Vilna has been definitely incorporated into Poland. They insist that we and persons of other nationalities in the country should regard the state of affairs from the same point of view as themselves, that we should renounce our rights in the Vilna District, and that we should discontinue our work in respect of national education and culture. They regard all those who do not share their point of view as guilty of treason against the State. For four years, relying upon their military strength, the Poles have been redoubling their efforts to consolidate the Polish element in our country and to crush and destroy the Lithuanian and White Ruthenian elements. Endeavouring to make others believe, in contradiction to the evident facts of the case, that in the Vilna District there live only a mere handful of Lithuanians, they do not hesitate to employ any means in order surreptitiously to diminish the number of Lithuanians and to undermine their intellectual and social life in order to persuade disinterested spectators that the Lithuanians are a negligible quantity.

With this end in view they are deporting our most active social workers, persecuting our bravest men, terrorising our society, suppressing our newspapers, hampering all educational work among the young, and doing away with our educational and social institutions, etc.

The League of Nations has already been informed that at the beginning of this year the Polish authorities arrested, imprisoned, and finally expelled the most distinguished Lithuanian workers. The only crime which these workers had committed in the educational and social sphere was to feel that they were Lithuanians and to proclaim by speech and by writing the rights of Lithuania to the town of Vilna. The criminal proceedings which have lasted for six months have not enabled the authorities to discover or prove any other offence. Although it is manifest that they are quite innocent, the Polish Government not only refuses to grant them permission to return to their country, but is even deporting other social workers of ours. Among others, they have expelled the Secretary of the Lithuanian High School, Mlle. Marie Viscont, who has never engaged in any political activities, and later on in June the Polish authorities carried out a search throughout the buildings of the Polyclinic belonging to the Lithuanian Health Assistance Society and in the private house of the Director of the Polyclinic, Dr. Alseika. Although nothing was found to prove that any activities were being carried on against the Polish State, they nevertheless insisted that Dr. Alseika should leave the Vilna District within six days. But this is not enough. When any Lithuanian, having personal business to transact on the other side of the line of demarcation (and such business is very frequent on account of the country being divided by such a purely arbitrary line) applies to the Polish authorities for permission to cross the line, this permission is granted to him on the express condition that he forfeits his right to return. The Polish Government is, in this way, forcing Lithuanians to leave their native land and is depriving the country of its most intelligent workers.

The Polish authorities are refusing to grant to Lithuanians, well known for their political convictions, the certificate of residence which is prescribed for all the inhabitants of the country, with the obvious

intention of depriving them illegally of their rights of citizenship, so as to enable the authorities to deport them, as foreigners, beyond the line of demarcation. In order to justify this conduct, various decrees and regulations are drawn up and promulgated *ad hoc*.

We may add that almost all educated Lithuanians are subjected to brutal searches, inquisitions and frequent investigations carried out by various police authorities; those who declare that they possess Lithuanian nationality are called upon more frequently than the others for forced labour (*e.g.*, hauling carts) and are subjected to many annoyances. It will be realised to what sufferings the Lithuanians who remain loyal to their country and their nationality are exposed.

Our press at Vilna has been pilloried from the very beginning of the Polish tyranny. At first the Poles subjected our press to a severe censorship which prohibited any reference to the defence of the national rights of Lithuanians; they instituted a series of prosecutions, but in nearly all cases the courts acquitted the accused editors, owing to the absence of any evidence of a breach of the law; they kept the managers and staff of the newspapers in prison, or deported them across the line of demarcation; they condemned them, by virtue of administrative decrees, to heavy fines; they put obstacles in the way of the distribution of newspapers, persecuted the vendors, held back copies for weeks together in post offices and even, in some cases, destroyed scores of copies. But as all of these measures failed to achieve any result and the Lithuanian press enjoyed increasing prosperity, the Polish authorities suddenly, on June 2nd, suppressed the four Lithuanian newspapers, published in Lithuanian and Polish, and imprisoned the four editors on a charge of treason for having contended that the town of Vilna should belong to Lithuania as being its capital both historically and economically. All our efforts to start fresh newspapers are proving fruitless on account of the thousand-and-one hindrances invented by the Press Office and the administrative authorities (*Staroste*). We are thus entirely deprived of our daily and weekly press.

The Lithuanian schools—both elementary and secondary—are suffering in the same way as the press. The Poles appropriate the school buildings, on all kinds of disingenuous pretexts; they expel Lithuanian schoolmasters and teachers and they prevent others from coming to take their place from beyond the line of demarcation. If this state of affairs is allowed to continue, the number of our schools will gradually decrease and their teaching standard will deteriorate, thus causing irreparable injury to the Lithuanian community. Latterly the Polish authorities have adopted a new method of hampering Lithuanian education by insisting that the schoolmasters should pass examinations in the Polish language and history and by refusing to license as teachers those who fail to satisfy these tests in every way. The authorities then replace these teachers by persons of Polish origin who assist in the polonisation of the country.

Our boarding-schools and children's homes have also incurred their displeasure. As early as 1921 the Polish authorities ejected the Lithuanian children from the buildings which they were legitimately occupying, and now they are preparing to polonise these children. They have for instance ordered that all the children from the Lithuanian home at Swieciany should be placed in Polish homes. The object of this measure is obvious; it is to destroy the organisation of Lithuanian homes and to polonise the children.

Similarly, the Poles cannot tolerate the existence of the Lithuanian commercial and industrial establishments; they impose taxes on them of such fantastic dimensions that the owners of these establishments are compelled to wind up their business. They close these establishments on the most frivolous grounds or they deprive them, by means of requisitions, of the plant which they require.

In spite of the fact that the future of the country has not yet been finally settled, the Polish authorities are obtaining recruits by conscription from the Lithuanian and White Russian population. Those who maintain their rights and refuse to submit to this illegal treatment, and also the relations of such persons, are persecuted, and cruelly punished. In short, the Polish Government is trampling human and civic rights under foot in such an arbitrary fashion and conducts its administration in such a way that the whole Lithuanian population is made to suffer physically and morally and has to endure in silence.

The very foundations of our civilisation, nay, of our existence, are being threatened. The Poles are notoriously aiming at the extinction of all Lithuanian civilisation; they wish to silence our voice, to disorganise our schools and to terrorise our whole population.

This conduct has given rise to a desire for vengeance among the Lithuanian population, and may in the end drive those who have been rendered desperate to acts which will have deplorable results both for the social life of the country and for peace and public security.

We have only related a portion of the acts of oppression and injustice which we are compelled to endure at the hands of the Polish authorities, but we are convinced that the League of Nations, the aim of which is to organise international relations on the basis of justice, fraternity and equality, to put an end to all oppression within the comity of nations, and to ensure for every nation the possibility of developing its individual and social prosperity, will have compassion on our unfortunate situation and will exercise

its high authority to set a term to the violence which is being committed by the Polish Government against the defenceless Lithuanian people. We are all the more entitled to expect this aid because the League of Nations has taken the whole Vilna district under its protection and has already compelled the belligerent parties to bring the hostilities between Lithuania and Poland to a close. We again invite the compassionate attention of the League of Nations to our unhappy situation and earnestly request immediate aid and relief.

Signed by the President

and Secretary of the Committee :

KONST. STASYZ,

K. CIBIRAS.

President of the Committee.

Secretary.

III.

LETTER FROM THE LITHUANIAN DELEGATION, REGARDING THE QUESTION PLACED, AT THE REQUEST OF THE LITHUANIAN GOVERNMENT, ON THE SUPPLEMENTARY LIST OF ITEMS ON THE AGENDA CIRCULATED IN ACCORDANCE WITH RULE 4, PARAGRAPH 2 (c), OF THE RULES OF PROCEDURE OF THE ASSEMBLY.

Note by the Secretary-General.

The Secretary-General has the honour to communicate to Members of the Assembly the following Note, which he has received from M. Sidzikauskas, Lithuanian Delegate.

LITHUANIAN DELEGATION TO THE LEAGUE OF NATIONS.

Geneva, September 6th, 1922.

No. 956.

YOUR EXCELLENCY,

THE request of the Government of the Lithuanian Republic that its protest against the arbitrary acts committed by the Polish Government in connection with the territory of Vilna, subsequent to the Council's recommendation of January 13th, 1922, should be included in the Agenda of the Third Assembly was formally opposed by the Polish Delegation, which raised the previous question. The Polish Delegation contends in its Note, dated August 31st last, addressed to the Secretary-General :

(1) That the object of the request is not clear and that the Lithuanian Government has not based its request on any Article in the Covenant.

(2) That Poland is bound by the obligations imposed by the Treaty of Versailles of June 28th, 1919, as regards the question of the minorities in the territory in dispute and, further, that this question is one within the competence of the Council.

(3) That the question of Vilna must be considered as settled by Poland herself.

(4) That no real menace of immediate war exists between the two States as a result of their dispute.

(5) That the Lithuanian Government has asked for the inclusion of this question in the Agenda for the purpose of carrying on a malicious and dishonest propaganda.

In the first place the Lithuanian Delegation to the League of Nations must protest formally and emphatically against this last accusation which has been brought by the Polish Delegation; for, by its illegal and arbitrary proceedings, the Polish Government is threatening not only the vital interests and the very existence of the Lithuanian State, but even the elementary principles of international law and morality which form the basis of the League of Nations and of international co-operation in general. The Lithuanian Government is absolutely convinced that it would fail of its duty as a Member of the League of Nations if it did not bring these facts to the attention of the Supreme Guardian of law and international morality.

The Lithuanian Delegation refrains from describing as it deserves M. Askenazy's document, which is full of slanders and misstatements regarding Lithuania, such as the alleged co-operation of Lithuanian and Bolshevik troops, the imaginary oppression of Polish minorities in Lithuania numbering 200,000 persons (in reality the Polish minority in Lithuania, excluding Lithuanian territory occupied by Poland, numbers barely 50,000 persons); and many others.

These facts having been ascertained, the Lithuanian Delegation ventures to define the problem that its Government has thought necessary to submit for the consideration of the Third Assembly :

On September 20th, 1920, the Council adopted at Paris the first resolution regarding the Polish-Lithuanian dispute. By accepting this resolution Poland solemnly undertook to respect the neutrality of the Lithuanian territories, but, at the very moment when M. Paderewski, then first Polish Delegate,

was cordially shaking hands with the first Lithuanian Delegate, Polish troops were invading the southern and eastern provinces of Lithuania. In order to put a stop to the fighting which spread along the whole front as a result of this Polish aggression, a Polish-Lithuanian Conference was urgently summoned at Suwalki and on October 7th, 1920, a treaty establishing a line of demarcation between the two States was signed by the representatives of the Polish and Lithuanian Governments, under the auspices of the Commission of Control of the League of Nations. Chapter V. of this Treaty stipulates that the Treaty shall remain in force until the final settlement of all the questions in dispute between the two States. However, after signing this Treaty, which seemed to offer a firm basis for the settlement of the Polish-Lithuanian dispute, the Polish Government immediately violated the Treaty, which it had signed of its own accord. On October 6th, the Commander-in-Chief of the armed forces of Poland reviewed at Lyda the troops intended for the occupation of Vilna, which the Treaty of Suwalki left on the Lithuanian side. On October 9th, the Polish General Zeligowski marched on Vilna and occupied it after desperate fighting with weak Lithuanian detachments, thus offering to humanity, already weary of war, a second edition of the "scrap of paper."

The sincere, but perhaps insufficiently energetic, efforts of the Council of the League of Nations were unsuccessful, and Polish troops continue to occupy Vilna, the historic Lithuanian capital and the neighbouring territory, which became known, after General Zeligowski's adventure, as the disputed territory. The Council has had to give up the idea of a plebiscite, the Polish Government refusing categorically to withdraw its troops from this territory; and, after the failure of the Brussels negotiations, presided over by His Excellency M. Paul Hymans, the Polish Government demanded that the representatives of the rebel general should take part on an equal footing in the negotiations. While the Lithuanian Government, fully appreciating the sincere efforts made by His Excellency M. Paul Hymans and the Council, did everything in its power to arrive at an acceptable solution of the dispute, the Polish Government absolutely rejected the draft agreement drawn up by His Excellency M. Paul Hymans. As the Council then stated that it had exhausted all the means provided under the Covenant for the settlement of the dispute, the Lithuanian Government took the initiative by proposing to the Polish Government, in its Note of February 20th last, to submit the dispute regarding the violation of the Treaty of Suwalki by Poland to the Permanent Court of International Justice for decision. The Polish Government, however, maintained that it was not obliged to accept the jurisdiction of the Permanent Court and positively refused to refer the matter to The Hague. This fact is in itself so eloquent and significant that the Lithuanian Delegation refrains from any commentary. Encouraged by the impunity with which General Zeligowski was allowed to carry out his forcible action, the Polish Government is now engaged in attempting to obtain the legalisation of the state of affairs created at Vilna by the rebel general's unlawful enterprise, and the only fact that is clearly apparent from M. Askenazy's Note is that the Polish Government would like to see Poland substituted for the League of Nations in order to endeavour to find a means of settlement and the solution of the problem of Vilna. Actuated by the desire of annexation motives and in accordance with a plan pursued since the beginning of the dispute, Poland ordered the elections to the Diet of Vilna, which, according to Poland, was to be appointed to decide the fate of the disputed territory. The Lithuanian Government submitted a protest to the Council against these attempts of the Polish Government to legalise the situation created at Vilna by the rebel general's high-handed action, by organising the elections under military occupation and under a rule of terror and persecution. The Lithuanian Government declared that it would consider the election of such a Diet, if it took place, as null and void. The Lithuanian Delegation is happy to record that the Council, at its meeting on January 13th, 1922, was good enough to take note of this protest and to declare that "it could not recognise any solution of a dispute submitted to the League by one of its Members, which may be reached without regard to the recommendation of the Council or without the consent of both the parties concerned." In spite of this decision of the Council, the Polish Government enacted a veritable comedy with a so-called Diet of Vilna, elected under the threat of Polish bayonets and against the manifest wish of 90 per cent. of the population of the territory in dispute, and the annexation of this Lithuanian territory to Poland was proclaimed by the Diet of Warsaw. The Lithuanian Government duly submitted to the Council a detailed Memorandum on the subject of the elections of Vilna, so that the League of Nations might appreciate the real value of the decisions of the legislative body established by these elections. The Lithuanian Delegation will limit itself to quoting here a passage from the report of Colonel Chardigny, President of the Military Commission of Control of the League of Nations:

"It is impossible to give a definite opinion regarding the value of these elections, but it may be stated that the inconsiderable number of votes of Lithuanians and Jews and the more numerous votes of the White Russians have only increased the number of electors without having any political meaning or any moral value whatever.

"The following points should also be noticed :

"1. The Committees entrusted with the organisation and carrying out of the elections were composed almost exclusively of Poles.

"2. The electors presented themselves at the urns without any identification card, or other document of identity whatever. All that was necessary to be able to deposit one's voting paper was to mention a name that figured on the list. The supervision of the elections was thus entirely in the hands of an interested party.

"In view of the fact that the Lithuanians, Jews, and a large number of White Russians officially abstained from taking part in the elections, and that on the other hand the elections took place under a system of military occupation, where the Polish element was in possession of all the means of official coercion, it would not seem that the present Diet of Vilna could be considered as being the true and sincere expression of the will of the whole of the population of the territory consulted."

In order to reap the benefit of its policy of force and violence, and to fill the measure of its injustice to the Lithuanian State and the populations of Lithuanian lands illegally occupied by Poland, the Polish Government has just ordered elections in the disputed area to the Polish Seim and Senate at Warsaw.

The Government of the Lithuanian Republic therefore feels it its duty to draw the attention of the Third Assembly to this arbitrary action on the part of the Polish Government, and to beg the Assembly to be good enough to place the matter on its Agenda. The Lithuanian Government is fully convinced that, after having considered the protest in question in all its aspects, the Assembly will remind Poland of her primary duty as a Member of the League of Nations to adhere to her international agreements and to make amends for those she has broken. The Lithuanian Government further hopes that the Assembly will be good enough to draw the attention of Poland to the fact that her attempts to annex Lithuanian territory by illegal means and in defiance of the resolutions of the Council of the League of Nations will meet with the general disapproval of the Members of the League of Nations, and that the League will set an absolute veto on the recent decision of the Warsaw Government to proceed to the election to Polish legislative bodies in territory which is being illegally occupied by the Polish Army.

Apart from these questions of principle, it is the deplorable condition of the non-Polish population of the Vilna territory which is causing the Lithuanian Government grave anxiety. The Polish army of occupation, large as it is, and the administrative authorities are confronted with almost insurmountable difficulties in the administration of territory which has been annexed in opposition to the wishes of an overwhelming majority of the population; for the Lithuanians, White Russians and Jews in the disputed area form about 90 per cent. of the whole population. In the first instance, the Polish Government turned its activities against the Lithuanian and White Russian scholastic and educational institutions. A perfect pogrom was organised; the Lithuanian schools in Vilna were closed, the press destroyed, editors imprisoned. In order to crush the slightest manifestation of Lithuanian and White Russian national life at Vilna, the agents of the Polish Government, on the night of January 19th last, arrested the principal Lithuanian and White Russian leaders, amongst whom were Professor Michel Birziska, President of the Lithuanian Committee, Canon Kukta of the Cathedral Chapter, M. Kraskowski, President of the White Russian National Committee, and many others. On February 5th, 33 of them were expelled from their native city. Colonel Chardigny, in one of his reports to the Council, expresses himself in the following terms as regards these arrests and expulsions :

"The Committee of Control of the League of Nations is of opinion that these arrests, followed by expulsion, are most regrettable and likely to aggravate the already strained relations between the two countries."

In spite of repeated protests submitted by the Lithuanian Government to the Council of the League of Nations, the situation at Vilna has not improved, and expelled inhabitants have not received permission to return to their homes nor to join their families left behind in Vilna.

Contrary to the law of nations, the Polish Government is levying conscripts. As the local population is decidedly hostile to service in the Army of the occupying nation, the young men do not present themselves at the recruiting offices and their abstention is visited upon their relatives and connections. The villages and townships are surrounded by Polish detachments, which institute searches and torture those who remain, in an attempt to extract information. They do not even respect the sanctity of the Christian churches and Jewish synagogues; as an illustration I venture to quote the pogrom at Roduné on July 22nd, when the township was surrounded by soldiers of the 23rd Regiment of Uhlans, and the population was brought into the synagogue and publicly flogged.

These Polish measures are causing insurrections on the part of the population, particularly in the districts of Lida, Svintziany and Grodno which are being enacted with refined cruelty. The situation

created by the cruelty of the Polish measures is of such a nature that a general insurrection might break out any day.

The Lithuanian Delegation ventures to annex copies of Notes which the Minister for Foreign Affairs of Lithuania forwarded to the Secretary-General on August 8th and 19th, accompanied, the one by a petition from the Lithuanian Temporary Committee at Vilna to the League of Nations, the other by a Memorandum from the 16 Communes of the districts of Grodno, Vilna and Svenciany, forwarded on August 5th to the President of the Lithuanian Republic. In this Memorandum, the unhappy population of the Communes enumerated therein, while drawing the attention of the Governments of the States of Europe and America to the violence and excesses committed by the occupying Polish authorities against the relatives of those who refuse to recognise the occupation, to serve in the Polish Army, and who have taken no share in the elections of the "Vilna Diet," begs the Lithuanian Government to request the League of Nations to appoint a Committee of Enquiry in order to ascertain on the spot the manner in which the Poles are treating the population of the territories illegally occupied by them.

It is not altogether correct to state that in the matter of the protection of Minorities in the Vilna Territory Poland is bound by the obligations laid down by the Treaty of Versailles on June 28th, 1919, for :—

(1) The case in point is one of protection of a majority of about 90 per cent. of the (non-Polish) population, hostile to the Polish domination, against the violence of the Polish occupying authorities; and

(2) The provisions of the aforesaid Minorities Treaty do not apply to the disputed Vilna territory, which is not, has never been, and never shall be, Polish territory.

In bringing the above to your knowledge, the Lithuanian Delegation expresses its firm conviction that :

"The 3rd Assembly will be good enough to take note of the manner in which Poland is administering the territory it has illegally occupied, and that, in accordance with the request of the Lithuanian Government, it will decide to send a Committee of Enquiry which may collect information on the spot and draw up a Report."

In view of the considerations stated above, and being anxious to co-operate with the Assembly of the League of Nations, in seeking measures which will effectually remedy a situation pregnant with dangers and complications, and under which the Eastern confines of Central Europe are suffering, the Lithuanian Delegation has the honour respectfully to beg the Assembly to be good enough to add the question raised by the Lithuanian Government to its Agenda. In making this appeal, the Lithuanian Republic believes it is acting in perfect conformity with Article 11 of the Covenant.

I have the honour to be, etc.

(Signed) V. SIDZIKASKAS,
President of the Lithuanian Delegation.

His Excellency

M. AUGUSTUS EDWARDS,
President of the Third Assembly of the
League of Nations, Geneva.

ANNEX I.

Annex I. has already been distributed to the Delegates at the Assembly as Document A 20. 1922. VII.

(Translation.)

ANNEX II.

Kovno, August 19th, 1922.

SIR,

I HAVE the honour to bring the following facts to your notice :

On August 15th, H.E. the President of the Lithuanian Republic received from 16 Communes of the districts of Grodno, Vilna and Svienciany a Memorandum in which the unfortunate population of the Communes in question draws the attention of the Governments of Europe and America to the acts of violence and excesses committed by the Polish occupying authorities upon the relatives of those who refuse to recognise the occupation or to serve in the Polish army, and who did not take part in the elections of the "Vilna Diet."

It requests the Lithuanian Government to approach the League of Nations with a view to the appointment of a Commission of Enquiry to investigate on the spot the conduct of the Poles towards the population of the territories which they are illegally occupying.

In conformity with the wish of the petitioners, I have the honour to forward to you the Memorandum with a French translation, and to request you to communicate it to the Members of the Council of the League of Nations.

I have the honour, etc.

(Signed) V. JURGUTIS,
Minister for Foreign Affairs.

(Translation.)

MEMORANDUM ADDRESSED TO THE PRESIDENT OF THE LITHUANIAN REPUBLIC.

On this 25th day of July, 1922, We, the undersigned Delegates of the Communes of the Districts of Vilna and Grodno, occupied by the Poles, beg you to inform the Governments and the Press of the European and American States of the following facts, and to request that an international commission of the League of Nations be appointed as soon as possible to enquire into the acts of violence and the excesses committed by the Polish occupying authorities upon the relatives of those who refuse to recognise the occupation, who did not take part in the elections to the Vilna Diet, who refused to serve in the Polish Army, and preferred to take refuge in the woods.

(1) A board is attached to the feet and struck with a hammer until blood flows from the nose and ears of the victims, who are then thrown, half-dead, to the dogs, as in "Uncle Tom's Cabin" by H. Beecher Stow—Dimitri Budko, Mayor of the village of Berszty, in the district of Grodno, aged 27.

(2) The skin is cut and the wounds sprinkled with salt. Dogs are then let loose on the victim. This torture was inflicted on Vladimir Wassilevitch, because his brother had refused to serve in the Polish army—village of Berszty, in the district of Grodno.

(3) Red-hot irons were driven into the feet of Joseph Serguievitch, aged 47, as a method of revenge upon his son, who is a patriot—village of Berszty, in the district of Grodno.

(4) B. Voronko, Mayor of the village of Berszty, was beaten and hung by the feet for two hours.

(5) On account of her son, a pregnant woman was beaten, and a miscarriage resulted; Maria Chestavitzka, aged 38—village of Berszty, district of Grodno.

(6) Alexandre Gourski, of the village of Suchary, Commune of Berszty, district of Grodno, was beaten and hunted with dogs on account of his brother.

(7) Thomas Chesnoulevitch, aged 58, of the village of Marcinkance, was beaten by the police until half dead, for refusing to allow horses to be pastured in his field.

(8) A pregnant woman and her father, aged 78, Edward Akcene, of the village of Krakszle in the Commune of Radun, were beaten until half-dead, because the husband of the woman in question had not voluntarily enlisted in the Polish army.

(9) Basyle Dobrovolski was cruelly beaten because his brother had not enlisted in the Polish army—village of Obrucz, Commune of Ostryna, district of Lida.

(10) Basyle Krouchine and his son were beaten to death for hiding themselves in the woods and refusing to serve in the Polish army.

(11) Because Ivan Brikatch, of the village of Oliszkowcy, Commune of Ostrina, refused to enlist in the Polish army and hid himself in the woods, his father and mother were beaten to death and all the inhabitants of his native village were beaten until half-dead and the whole of their property laid waste.

The prisons are overflowing with citizens of the annexed territories.

Generally speaking, all the citizens of the Grodno, Lida and Troki districts are beaten without mercy and their property laid waste.

The districts of Troki, Marcinkance, Lipica, Szumy, Krakszle, Kobele, Derzele, Morgieniszki, Kapieniszki, etc., have been completely devastated by Polish soldiery and police.

In the district of Lida, the following villages have been sacked: Zeniaki, Cliszkowscy, Novy-Dvor, Ostrina, Obrucz, Rybaki, etc.

Similarly, in the district of Grodno, the villages of Berszty, Suchary, etc.

The above facts only afford a partial illustration of the Polish acts of violence and bring to light only a part of the conduct of the Polish occupying authorities towards the unfortunate population of the territories of Vilna and Grodno.

Signatures of the Delegates :

Of the District of Grodno :

- | | |
|-------------------------|--|
| 1. Commune of Bertszy : | J. Kosun, R. Sakovic, M. Woronko, J. Wassilewitch, M. Worobei. |
| 2. " " Wiercieliszki : | J. Lebedewitsch, M. Schamruk. |
| 3. " " Hoza : | M. Chitruk. |
| 4. " " Skidel : | A. Mosol, J. Efmiuk. |
| 5. " " Lasza : | J. Kravcewitsch. |
| 6. " " Indura : | J. Schwed, A. Chliaba. |
| 7. " " Porieczie : | K. Owizonski. |

Of the District of Vilna :

- | | |
|---|--|
| 8. Commune of Marcinkance : | J. Walangewitsch, L. Mischkinis, J. Kruschas. |
| 9. " " Radun : | B. Rodewitsch, A. Chomitsch. |
| 10. " " Novy Dvor : | S. Shwal, J. Makarewitsch. |
| 11. " " Sobakince : | J. Powiedaika, O. Markewitsch. |
| 12. " " Ostryna : | A. Dobrowolski, F. Novik, A. Demjanovitsch, M. Zaleski, W. Grinkewitsch. |
| 13. " " Rozanka : | Stan. Doda, J. Gawelis, W. Novik, B. Schimulis. |
| 14. " " Orla : | J. Daskewitsch, O. Manko, F. Filipoff. |
| 15. " " Szczutczyn : | V. Bielko, J. Jakimtschik. |
| 16. Delegate of the Communes of Melegiany and Twerecz, District of Svienciany : | B. Slidzevsky. |

ATTESTED STATEMENT.

On this 25th day of July, 1922, We, the 40 Delegates undersigned, legal representatives of the Communes of the territories of Vilna and Grodno, have unanimously elected, from amongst ourselves, representatives to approach the Lithuanian Government and the representatives of the European and American Powers in Lithuania, with a view to the early appointment of a Commission of the League of Nations to inquire into the acts of violence and the excesses committed by the Polish authorities upon the defenceless inhabitants of the territories of Vilna and Grodno : Michel Russak, Pierre Wassilewitsch, Mathias Pakul and Wainstein.

Signature of the Delegates :

Of the District of Grodno :

- | | |
|-------------------------|---|
| 1. Commune of Berszty : | J. Kosun, J. Lebedev, G. Sakovitsch, W. Ilkewitsch, M. Woronko, J. Wassilewitsch, Mark Worobej. |
| 2. " " Wiercieliszki : | W. Savostjan, M. Schamruk. |
| 3. " " Hoza : | M. Chitruk. |
| 4. " " Skidel : | A. Mosol, P. Efimiuk. |
| 5. " " Lasza : | J. Kravcewitsch. |
| 6. " " Indura : | J. Schwed, L. Chliabitz. |
| 7. " " Porieczie : | K. Owistovski. |

Of the District of Vilna :

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|-----------------------------|--|
| 8. Commune of Marcinkance : | S. Mischkinis, J. Volongewitschius, J. Kruschas. |
| 9. " " Radun : | S. Doda, J. Galvialis, J. Ambrosuk. |
| 10. " " Novy-Dvor : | S. Shwal, J. Makarewitsch. |
| 11. " " Sobakince : | O. Markewitsch, P. Sergeitschik. |
| 12. " " Ostryna : | Dobrovolski, M. Zalesky, F. Novik, A. Demjanovitch, V. Grinkevitch, A. Dobroval. |
| 13. " " Rozanka : | B. Schimul, V. Novik. |
| 14. " " Orla : | O. Monko, J. Daschkewitsch, W. Filipoff. |
| 15. " " Szczutczyn : | W. Belka, I. Jakimtschik. |

Delegate of the village of Klieszczeli, Department of Bielsk, District of Grodno : F. Lavrinovitch.

Delegate of the Communes of Melegiany and Twerecz, District of Svienciany : B. Slidzevsky.

IV.

LETTERS FROM POLISH DELEGATION WITH REFERENCE TO FOREGOING.

Note by the Secretary General.

The following letter, dated September 10th, from His Excellency M. Askenazy, and the accompanying Annex, dated September 9th, have at his request been communicated for the information of the Members of the League.

(Translation.)

POLISH DELEGATION ACCREDITED TO THE LEAGUE OF NATIONS.

2463/22.

YOUR EXCELLENCY,

Geneva, September 10th, 1922.

I HAVE just seen the Lithuanian Delegate's memorandum (A. 43, 1922) dated September 6th, addressed to the Third Assembly and communicated to the Polish Delegation on September 8th, in support of the Lithuanian Government's request of August 2nd last.

This memorandum attacks the previous question which I had the honour to submit to the Third Assembly in a Note, dated August 31st, with regard to the above-mentioned Lithuanian request, without, however, in any way invalidating the reasons given or the conclusions reached in my Note.

In accordance, therefore, with the attitude adopted in that Note, and without entering into a discussion either as to the grounds of the Polish-Lithuanian dispute—as this question has been finally settled before the League of Nations—or as to the question of minorities, which comes within the competence of the Council, I will merely state that the explanations and assertions contained in the memorandum of September 6th referring to these two matters are both void of any foundation and absolutely untrue.

Though I must refrain from any consideration of the purport of the Lithuanian memorandum, which, as usual, contains expressions offensive to the Polish Delegation and Government, I cannot, however, pass over in silence the fact that the Lithuanian Government has seen fit in this memorandum to bring up once more before the Assembly the same outrageous accusations against the Polish Government which it has recently made before the Council of the League, and in the same form of alleged complaints from so-called representatives of the seventeen communes of the districts of Grodno, Vilna and Świeciany.

As the Lithuanian Government only revived these monstrous accusations in its memorandum of September 6th for obvious and illicit purposes of propaganda—this memorandum was distributed as a document of the Third Assembly to the Members of the League and Assembly Delegates—I have the honour to communicate herewith copy of a Note, dated September 9th, which I have addressed, in reply to these accusations, to the President of the Council, and I beg Your Excellency to be so good as to circulate this Note and the present letter to the Members of the League of Nations and all the Delegates of the Assembly.

I have the honour to be, etc.

(Signed) S. ASKENAZY.

His Excellency

M. AUGUSTIN EDWARDS,

President of the Third Assembly of the League of Nations,
Geneva.

(Translation.)

ANNEX.

POLISH DELEGATION ACCREDITED TO THE LEAGUE OF NATIONS.

2400/22.

YOUR EXCELLENCY,

Geneva, September 9th, 1922.

ON August 19th last, the Lithuanian Government submitted a memorandum (C. 597. 1922. VII), dated July 25th, 1922, to the Council of the League of Nations, containing the signatures of 40 "Delegates" from 17 communes in the districts of Vilna, Grodno and Swieciany, certified as "exact translations" by the Lithuanian Delegate. An alleged report, bearing the same date, was attached to this memorandum, containing the same signatures and the same certification. This document, which brought the most monstrous accusations against the authorities of these districts, was communicated to me on August 27th last.

On behalf of my Government, I must indignantly protest against the whole contents of this document, and make a formal and absolute denial of all the alleged facts referred to therein.

Despite the outrageous nature of the assertions contained in this document, full as it is of accusations which would appear to be the product of a diseased imagination and an unbridled spirit of malevolence and hate, I hastened to ask my Government for all the necessary explanations with regard to these accusations.

The Polish Government immediately sent a Special Commission to make full investigations on the spot.

Information received from the Commission of Enquiry shows that, in the village of Berzsty, the alleged victims of the tortures described in the memorandum, namely, Dimitri Budko, Wladimir Wassilewitch, Joseph Sergueiewitch, B. Vronko, are all in perfect health, and only heard of these tortures through the Commission of Enquiry itself.

Similarly, not the least trace has been found of the alleged atrocities committed in the villages of Lipnica, Szumy, Krakszle, Morginiski, which, moreover, are not even situated—as is claimed in the memorandum—in the district of Trokei, but in that of Lieda, which belongs to a totally different province.

The documents in question further claims that, "generally speaking, all the citizens of the Grodno, Lieda and Trokei districts are beaten . . . and their property laid waste." On this subject, it should be pointed out that the number of citizens in the above-mentioned districts exceeds 300,000. There is no need to refute such ridiculous accusations.

I will in due course bring to the notice of the Council further information as to the result of the investigations of the Commission of Enquiry as soon as it is communicated to me. It is clear that these results cannot fail to bring to light the groundless nature of all the Lithuanian accusations.

Doubtless, the Lithuanian Government itself did not realise that the baselessness of these disgraceful accusations would sooner or later be made manifest. The "translation," dated August 19th, of the memorandum was obviously intended for purposes of propaganda, which the Lithuanian Government fondly believed would give it a certain advantage at the Third Assembly in connection with its request, dated August 2nd, for placing the question on the Agenda. In its desire to secure its purpose, it seems to have thought that such a procedure did not involve it in any responsibility.

Such a lack of responsibility cannot be tolerated in the League of Nations. No Government of a State which has been admitted as a Member of the League, and which actually appeals to the lofty principles "of international morality," can be allowed at the same time to break the elementary rules of that morality by perpetrating such an outrage on the honour of another Member of the League of Nations.

I have, therefore, the honour to beg the Council of the League of Nations—when the Polish Government shall have definitely proved the absolute ineptitude of the accusations contained in the Lithuanian Government's Note of August 19th, 1922—to reserve to itself the right, in respect of accusations which may in future be brought by the Lithuanian Government against any Member of the League, of postponing the communication of such accusations to the Members of the League of Nations until their truth has been duly ascertained by the Council.

I have the honour to be, etc.,

(Signed) S. ASKENAZY.

His Excellency

M. DOMICIO DA GAMA,

President of the Council

of the League of Nations,
Geneva.

LETTER FROM THE LITHUANIAN DELEGATION TO THE COUNCIL OF THE LEAGUE OF NATIONS WITH REFERENCE TO FOREGOING.

LITHUANIAN DELEGATION TO THE LEAGUE OF NATIONS.

No. 959.

Geneva, September 17th, 1922.

MR. PRESIDENT,

THE Delegation of Lithuania has taken cognizance of a note from the Polish delegate dated September 9th, 1922, No. 2400/22, published under No. Z.64, 1922, VII., in which the said delegate presents Your Excellency his observations on the subject of the memorandum which the Lithuanian Government permitted itself to address to the Secretary-General of the League of Nations on August 19th last.

It does not pertain to the Lithuanian Delegation, profoundly grateful to the Secretariat of the League of Nations for the very wide publicity which it accords to the communications which reach it, to express itself on the benefit there would perhaps accrue from not applying this principle in the above-mentioned case, since, in fact, the said document of the Polish delegate, devoid of all sense of propriety with regard to the Lithuanian Government and its Delegation, contains nothing but the personal "indignation" of M. Askenazy, equivalent besides to expressions which he deems it opportune to employ, such as "diseased imagination," "unruly spirit," "hatred," &c., which the Lithuanian Delegation abstains from qualifying.

The Polish Delegate communicates in his note that his Government has sent a special commission to make an enquiry on the spot and that it had resulted in information having been received by the said commission that the victims of Polish acts of violence, *i.e.*, Dmitri Budko, Vladimir Vassilevitch, Joseph Sergueivitch and B. Voronko, mentioned among others in the petition from the 16 communes of the Vilna territory, had been found in a perfect state of health and that they had had no knowledge of these tortures save through the Commission itself.

Without wishing to enter into an appreciation of the assertions of the Polish delegate, the Lithuanian Delegation ventures only to reproduce here a portion of the communication emanating from part of the population of the Vilna territory, which the Delegation has received, and which reflects a true picture of the present situation in the territory occupied by the Poles and contains certain details on the manner in which the agents of the Government of Warsaw behave towards the unfortunate inhabitants of the Lithuanian lands of Vilna.

"Some days ago the punitive police arrived from Warsaw at the village of Kaniava, commune of the same name, district of Lida, in the Vilna territory, occupied by the Poles. By these acts of cruelty, exercised on the population of the parishes of Nočia (Nacza), Rudine, Dubičiai, Kalesninikiai, Eišišiai, Beržtai and Rodune, they surpassed those whereby the Bolshevist Cheka made itself famous. By their manner of brutally torturing they surpass the entire imagination of civilised men. It is the men in the prime of life who become their special victims, more rarely women, children and old men. They capture them in their homes and lead them to the camp at Kaniava, where they beat them till they lose consciousness. Then they put them in cold water and, as soon as they recover breath, renew the torture and demand that they should give information and admit themselves guilty of facts which they have never known. Although the hair stands on end to hear this news, the local population dare only speak about it in an undertone, from fear of falling into the hands of these punitive detachments; they complain, tears in their eyes, only to persons of trust. The victims of the tortures themselves dare not complain in public and above all are afraid to draft reports from fear lest the agents of the Polish Government should avenge themselves upon the members of their family."

The facts given above have also been repeated by the Vilna Press, which demands an impartial enquiry and the punishment of the guilty.

The Lithuanian Delegation expresses its firm hope that the League of Nations will be able to find efficacious means capable of protecting the population of the contested territory of Vilna, illegally occupied by the Poles, from the hitherto unheard of oppressions of the agents of the Polish administration.

Seeing that the letter in question of the Polish delegate was made public, the Lithuanian

Delegation has the honour to beg you very respectfully to be good enough to communicate the present note to the members of the Council of the League of Nations as also to the Delegates to the Assembly.

I beg you, Mr. President, to accept the assurance of my very high consideration,

(Sgd.) SIDZIKAUSKAS,

President of the Lithuanian Delegation.

To H. E. Mons. DOMICIO DA GAMA,

President of the Council of the League of Nations.

VI.

REPORT OF THE SPECIAL COMMISSION ON THE RETENTION ON THE AGENDA OF THE THIRD ASSEMBLY OF THE NEW QUESTION SUBMITTED BY THE LITHUANIAN GOVERNMENT, AND ON THE PREVIOUS QUESTION RAISED ON THIS SUBJECT BY THE POLISH DELEGATION.

(Translation.)

The Lithuanian Government, in its letter of August 2nd, submitted a request for the inclusion on the Agenda of the Third Assembly, a new question drafted as follows:—

“Protest against arbitrary actions of the Polish Government in connection with the territory of Vilna subsequent to the Council’s recommendation of January 13th, 1922.”

The Polish Delegation, in a Note sent to the Secretary-General dated August 31st, 1922, requested “the Assembly to be good enough—without further procedure, and without even referring the matter for consideration either to a Commission or to a Committee—to declare the claim of the Lithuanian Government to be inadmissible, and unsuitable for inclusion in the Agenda of the Assembly.”

In support of this view, the Polish Delegation points out, first of all, that the new question raised by the Lithuanian Delegation is stated in vague terms; it therefore requests the Assembly to exercise the right, which it reserved under the terms of paragraph 3 of Article 4 of the Rules of Procedure, not to place the new question on the Agenda of the Assembly.

The Polish Delegation also submits considerations of principle bearing on the subject of the request; these considerations give to its objection the character of a previous question, on which the Special Committee appointed by the Assembly feels that it should express its opinion.

The Lithuanian Government defined the reasons for and objects of its request in a letter, dated September 6th, to the President of the Third Assembly; a copy of this letter was distributed to the Members of the Assembly.

(1) *Inclusion in the Agenda.*

Under the terms of Article 4, Section 3, of the Rules of Procedure: “Any member of the League may, at least one month before the date fixed for the opening of the session, request the inclusion of additional items in the Agenda. Such items shall be placed on a supplementary list, which shall be circulated to the members of the League at least three weeks before the date fixed for the opening of the Session. The Assembly shall decide whether items on the supplementary list shall be included in the agenda of the Session.”

The Committee considers that it is highly desirable, in order to conform to the spirit of this article, that new questions, which it is requested, under the provisions of paragraph 3 of Article 4 to place on the Agenda, should be worded so clearly that members can make full use of the short time allowed by this procedure for the examination of the questions submitted, to prepare themselves for the future discussion.

This should apply more particularly to new questions which arise out of complaints made against other members of the League.

It is for the Assembly, however, to judge whether a question should be rejected because of its lack of precision or of urgency, or, on the other hand, whether the urgency of the interests involved is such that the matter should be placed on the Agenda, even though precise information in regard to it was not forthcoming until after the question had been raised.

In the case in point, the Committee is of opinion that, although the question submitted by the Lithuanian Government was not drafted in sufficiently clear terms, the explanations given by it in its note of September 6th sufficiently define the reasons and object of its action. As the question raised involves populations in whose interests the League has, through its Council, declared that it

is concerned, the Committee considers that it would not be desirable to reject the question on account of a mere matter of form.

(2) *The Previous Question.*

It appears from the letter, dated September 6th, from the Lithuanian Delegation to the President of the Assembly, that the Lithuanian Government, in submitting this new question, has two objects in view.

(1) It wishes the Assembly to confirm its condemnation of the annexation of the Vilna district, and to oppose an absolute veto to the decision taken by the Warsaw Government to proceed to elections for the legislative bodies of Poland.

(2) It requests the assembly to appoint a Committee of Enquiry to collect information relating to certain abuses under which it alleges that the Lithuanian population is suffering.

THE QUESTION OF THE VILNA STATUTE.

The Assembly doubtless remembers the endeavours made, both by the Assembly and the Council to induce Poland and Lithuania to accept, in connection with the Vilna Statute, the recommendation unanimously adopted by the Council on September 20th, 1921.

These endeavours were fruitless. Neither of the Governments accepted the recommendation. Three months have elapsed, the Council by a resolution of January 13th, 1922, noted their refusal "which, in accordance with Article 15 of the Covenant, put an end to the procedure of conciliation instituted by its resolution of March 3rd, 1921."

It is certainly impossible, in the absence of fresh facts, to resume the discussion of the dispute either before the Assembly or before the Council, and the Lithuanian delegation appears to have realised this, for it has pointed out in bringing forward the fresh question that its protest was based exclusively on the arbitrary action said to have been taken by the Polish Government since January 13th, 1922.

The Lithuanian Government informed the council at that time, that elections were being organised in the Vilna territory by the administration established there. In reply to this complaint the Council in its resolution of January 13th, stated that it could not "recognise any solution of a dispute, submitted to the League by one of its Members, which may be reached without regard to the recommendation of the Council or without the consent of both the parties concerned."

The Committee is of opinion that this declaration has lost none of its value and applies in full to the fresh elections now proposed by the Polish Government. Those elections are the logical sequence and outcome of a situation, which they in no way affect, and which the Council clearly defined in the above quoted provision of its resolution of January 13th.

The Committee can therefore discover no fresh facts to justify a renewal of the discussions, and proposes, by raising the previous question, to exclude discussion of the complaints brought against the statute of Vilna and the elections which the Polish Government proposes to hold in that district.

ALLEGED ABUSES UNDER WHICH THE LITHUANIAN POPULATION IS SAID TO BE SUFFERING.

The Lithuanian Delegation, in its letter of September 6th, 1922, alleges a series of arbitrary actions on the part of the Polish Government victimising the Lithuanian population. The Polish Delegation, in its Note of August 31st, protests that the protection of minorities is exclusively within the competence of the Council of the League of Nations.

Without wishing to prejudge the question of the desirability of transferring to the Council the inquiry into the grievances expressed by the Lithuanian Delegation, the Committee considers that no legal objection could be raised if the Assembly consented to having the matter referred to it.

It is true that the various Minority Treaties, to which Poland is a party, expressly entrust the Council of the League of Nations with the duty of seeing that the obligations assumed by the Polish State in the matter of minorities are carried into effect.

Certain Members of the Committee, however, drew attention to the fact that, as the Vilna Territory was not included in any treaty of Peace containing the clauses called "minority clauses," the latter were not directly applicable in the present instance.

The Council held the view that the Minorities clauses could be applied in the case, therefore, in its resolution of January 13th, 1922, expressed its desire that Poland should, where the Vilna question was concerned, conform to the obligations imposed by the Treaty of Versailles on June 28th, 1919, with respect to the protection of minorities.

Lithuania might, in the present instance, consider unjust treatment of Lithuanians under Polish rule as a "circumstance affecting international relations," and, in the terms of Article 11, she might exercise the friendly right of drawing the attention of the Assembly to this question.

The Committee, therefore, considers that it would not be proper to accept the previous question in regard to the allegations made by the Lithuanian Government concerning abusive treatment inflicted upon the Lithuanian population in the Vilna district. But as it is not desirable that the discussion of the Lithuanian allegations should be raised at the Assembly before the Competent Committee has had an opportunity of investigating them, the Special Committee proposes to refer the question, thus clearly defined, directly and without discussion, to the Sixth Committee of the Assembly, which is responsible for the investigation of political questions.

(Signed) PAUL HYMAN,
Chairman of the Committee.

Geneva, September 8th, 1922.

VII.

COMPLAINTS BY THE LITHUANIAN GOVERNMENT RELATING TO THE TREATMENT OF THE NON-POLISH POPULATION IN THE TERRITORY OF VILNA.

REPORT BY M. MOTTA, REPRESENTATIVE OF SWITZERLAND, WHO WAS ENTRUSTED WITH THE TASK OF SUBMITTING TO THE ASSEMBLY THE DRAFT RESOLUTION OF THE SIXTH COMMITTEE ON THE QUESTION REFERRED TO IT BY ASSEMBLY RESOLUTION NO. 2 ADOPTED ON SEPTEMBER 15TH, 1922.

By its Resolution No. 2 of Friday, September 15th, the Assembly referred to the Sixth Committee part of the question concerning the present situation in the Territory of Vilna which had been placed on the Agenda on the request of the Lithuanian Government. Under this Resolution, the Committee had only to deal with that part of the Lithuanian Government's request which concerns the abusive treatment alleged to have been inflicted on the Lithuanian population in the Vilna district.

Complaints of this kind, if they arose in connection with events stated to have occurred within the recognised frontiers of the Polish State where a Minorities Treaty is in operation, would naturally be subject to the ordinary procedure in questions of minorities: that is to say, the matter would have to come before the Council, whose competence to deal with such questions is recognised by the Treaty between the Allied and Associated Powers and Poland, signed at Versailles on June 28th, 1919. The request of the Lithuanian Government has, however, been considered by the Assembly, since in this case the complaints refer to a territory and to a population whose political status is not considered as regulated from an international point of view.

It should be noted that the Council, in making its final recommendation in regard to the settlement of the Polish-Lithuanian dispute, reserved to itself the right to intervene in favour of the minorities inhabiting the contested territory. The two last paragraphs of its resolution of January 13th, 1922, run as follows:

"As regards the protection of minorities, Poland is bound by the obligations imposed upon her by the Treaty of Versailles of June 28th, 1919; Lithuania has undertaken by her declaration of September 14th, 1921, to apply the general principles contained in the Treaties regarding minorities.

"As regards the Vilna district, as the League of Nations has the duty of seeing that protection is afforded to minorities in Poland and Lithuania, the Council is convinced that both parties will consent to its sending representatives to the spot, should it see fit to do so, to collect the necessary information for a report to the Council on the subject."

Not long afterwards the Council made use of the powers thus reserved to it, by sending Colonel Chardigny to prepare on the spot a report on certain arrests and expulsions which took place in the Territory of Vilna. Similarly, Major Keenan, a Member of the Commission of Control, was instructed to obtain information on the spot concerning the sanitary condition of a prison situated at Kovno, in which persons belonging to the Polish minority in Lithuania are detained. Reports drawn up as a result of these inquiries have been distributed to the Members of the League.

The Committee has heard the statements made by the Lithuanian Representative in support of the complaints set forth in the documents presented to the Assembly by his Government. The Committee has also heard the Polish Representative, who challenged the truth of all the accusations

contained in these documents. The Committee found itself unable to form an opinion and it considered that the most appropriate body to undertake the necessary investigation was, both as a matter of precedent and by the nature of the controversy itself, the Council of the League of Nations.

The Committee considered that in these circumstances it could not agree to the proposal of the Lithuanian Representative to the effect that an inquiry should be ordered by the Assembly, and that in consequence a Permanent League of Nations Commission should at once be sent to the Vilna district. The Committee had still to decide whether it should propose that the Assembly should submit to the Council a definite suggestion regarding the procedure to be followed: for example, the sending to the spot of a Committee of Inquiry, either permanent or temporary. Some members of the Committee expressed the opinion that such an inquiry would be the best means of ascertaining the facts and of bringing about a reconciliation between the two parties. After discussion, the Committee was of opinion that, while ruling out the possibility of instituting a Committee of Inquiry, it was preferable to leave to the Council full liberty of choice regarding the procedure to be followed in exercising the right reserved by its resolution of January 13th.

I have therefore the honour to submit to the Assembly, in the name of the Sixth Committee, the following Draft Resolution, which has been unanimously adopted by the Committee:

"The Assembly of the League of Nations, in virtue of its Resolution No. 2 of September 15th, 1922;

"Having heard the complaints of the Lithuanian Government relating to the treatment of non-Polish populations in the Vilna district;

"And having also heard the replies of the Polish Delegate to these accusations;

"In view of the fact that the questions thus raised are among those with which the Council,—after having drawn up its final recommendation for the settlement of the Polish-Lithuanian dispute,—reserved to itself, by its Resolution of January 13th, 1922, the right to deal if necessary by requesting the two Governments to allow it to send Representatives to the spot for the purpose of making a report."

"In view of the fact that the Council has already made use of the powers which is thus reserved to itself and that its intervention in this matter is in conformity with its general activities in regard to the protection of minorities:

"The Assembly refers to the Council for its special consideration the question which has been submitted to it by the Lithuanian Government."

VIII.

THIRD ASSEMBLY OF THE LEAGUE OF NATIONS.

COMPLAINTS BY THE LITHUANIAN GOVERNMENT RELATIVE TO THE TREATMENT OF THE NON-POLISH POPULATION IN THE TERRITORY OF VILNA.

*Resolution adopted by the Assembly at its Meeting held on Thursday, September 21st, 1922
(Morning) (Adopted on the Report of the Sixth Committee).*

THE ASSEMBLY OF THE LEAGUE OF NATIONS:

In virtue of its resolution of September 15th, 1922;

Having heard the complaints of the Lithuanian Government relative to the treatment of the non-Polish population in the Vilna district;

And having also heard the replies of the Polish Delegate to these accusations;

Considering that the questions thus raised are among those with which the Council, by its resolution of January 13th, 1922—after having drawn up its final recommendation for the settlement of the Polish-Lithuanian dispute—reserved to itself the right to deal, if necessary, by requesting the two Governments to allow it to send representatives to the spot for the purpose of making a report;

Considering that the Council has already made use of the powers which it thus reserved to itself and that its intervention in this matter is in conformity with its general activities in regard to the protection of minorities:

Refers to the Council for its special consideration the question which has been submitted to the Assembly by the Lithuanian Government.

IX.

LETTER OF SEPTEMBER 25TH, 1922, WITH ENCLOSED PETITION ADDRESSED BY THE
PRESIDENT OF THE LITHUANIAN DELEGATION TO THE PRESIDENT OF THE
COUNCIL OF THE LEAGUE OF NATIONS.

DELEGATION OF LITHUANIA TO THE LEAGUE OF NATIONS, No. 967.

Geneva, September 25th, 1922.

MR. PRESIDENT,

THE Delegation of Lithuania has the honour to transmit to Your Excellency a petition which the Lithuanian and White Russian populations of the Vilna territory have presented through the intermediary of their authorized representatives to the Lithuanian Government and which add new proofs to those which had been furnished on several occasions by the Government of the Republic of Lithuania to the Council and the Assembly as to the policy of persecutions and of extermination which the Polish Government practises towards the overwhelming majority of the population of the contested territory.

It is quite clear from the facts brought to light in the memorandums and petitions in question that the situation of the non-Polish population in the contested territory has become intolerable; and that it grows worse from day to day, since the manifestation of the discontent of the population provokes a recrudescence of measures of oppression, and that, lastly, the prolongation of the present state of things might incite the despairing population of the territory in dispute to extremities capable of leading to grave and dangerous consequences, both for the interested population itself and for the reestablishment of peace in general.

Sensible of the sufferings of a considerable part of its population living under the Polish occupation, the Lithuanian Government has the honour to beg Your Excellency to be good enough to have this question inserted as soon as possible in the Council's order of the day.

The Lithuanian Delegation expresses the firm hope that the Council will decide to send to Vilna a Commission or better a permanent Commissioner of the League of Nations and confide to them the mission of verifying on the spot the accusations and complaints against the Polish Government which have been brought before the League of Nations, and of protecting the non-Polish population of the contested territory until the definite solution of the Lithuanian-Polish dispute on the subject of Vilna.

I beg you to accept, Mr. President, the assurance of my very high consideration.

(Sgd.) SIDZIKAUSKAS,
President of the Delegation of Lithuania.

PETITION.

From the Inhabitants of the Regions of Vilna and of Grodno occupied by the Poles, to the Government of the Republic of Lithuania, for transmission to the League of Nations.

On August 20th, 1922, we, the undersigned, delegates from the communes of the regions of Vilna and Grodno, occupied by the Poles, have the honour to bring to your knowledge the acts of oppression and atrocities committed by the Poles against the inhabitants of this country, forgotten by God and the Entente, inhabitants weakened and without arms.

According to the Polish Constitution of May 17th, 1920, and the Versailles Treaty, all nationalities which are under Polish occupation enjoy all the rights of civilised nations. Unfortunately, this figures only on paper and the reality is quite the contrary.

1. All the White-Russian schools in the territories of Grodno and Vilna are at the present time closed. Nevertheless, during the German occupation there were more than 800 of them; since 1919 the teachers and intellectuals have been gradually conveyed to the camps of Cracow and Posen, where they succumb to hunger and epidemics.

2. The Orthodox churches are for the most part closed or transformed into Roman Catholic churches.

3. The White Russian proprietors are despoiled of their lands, which are given to colonists from Central Poland.

4. The Poles are engaged in rapidly cutting down the forests, which form the wealth of the country, and exporting the timber abroad, not even permitting the inhabitants, who have suffered during the war, to supply themselves with a view to the reconstruction of their dwellings.

The inhabitants do not recognise the Poles, do not participate in any election, and do not wish to serve in the Polish army.

The cultural and humanitarian rights of the Lithuanian and White Russian population, as the experience of these later years has clearly shown, are in no wise guaranteed, notwithstanding the express promises of the Polish Constitution.

If the League of Nations does not find an equitable issue for this painful situation, the Lithuanians and White Russians, crushed by this oppression, by these atrocities and iniquities, will be compelled to struggle against the Poles and die fighting or conquering the rights appropriate to man.

With the consent of the Entente, the Poles occupied the territories of Vilna and Grodno in order to fight—they say—against Bolshevism; nevertheless, the acts of violence of the Polish Government have been carried beyond the frontiers and have moved our poor population—which hitherto had no sympathy whatsoever with Bolshevism—to this point, that through a sentiment of vengeance towards the Poles, it could prefer the “Red Commissars” to the Polish “White Commissars.”

The Poles, in the hope of forcing us to obey them, brutally terrorise the population. Quite recently they have committed numerous acts of violence and oppression against the inhabitants of the region of Vilna and Grodno, looting their goods. In this connection we venture to enumerate in an annex some facts.

NOTES ON THE SUBJECT OF PERSECUTIONS, ACTS OF VIOLENCE AND OPPRESSION COMMITTED BY THE
POLES AGAINST THE INHABITANTS OF THE REGIONS OF VILNA AND GRODNO, OCCUPIED BY THE
POLES, DURING THE PERIOD FROM JULY 6TH TO AUGUST 30TH, 1922.

1. *Village of Trakiskiai*, commune of Merkine (Merecz), district of Alytus (Olita).

August 16th. Towards 7 p.m. a detachment of armed Poles, numbering one hundred, partly in military uniforms, partly disguised as civilians, equipped with machine-guns, made an incursion into the neutral zone, surrounded the village of Trakiskiai, against which they directed the fire of their machine-guns. The shooting lasted about an hour. Two young men of the locality were wounded, one, Vincent Syrdas, of Trakiskiai, in the leg; the other, Adolphe Seliuta, of Monciagiriai, in the stomach. The fact that the youth of the above mentioned two villages had assembled on the occasion of the festival of St. Roch served as a pretext for this attack.

One of the victims, Adolphe Svedas, subsequently died from his wound.

2. *Village of Vieskonys*, commune of Kaniava.—July 29th. The agents of police killed one Joseph Stancikas. Each of the agents having subsequently received two thousand marks, absconded.

3. They shot at Grodno one Edward Gaidys and his father Jean Valentukevicius. Before the examination they had made them drunk. Both are natives of the village of Svincilies, commune of Berstai.

4. *Village of Kapeniskiai*, commune of Merkine (Merecz).—July 3rd. They completely undressed and shot one Boleslas Krusas. Being a fervent Lithuanian patriot, he had refused to serve in the Polish army. They refused to deliver his body to his mother, who claimed it, and he was interred without the ceremony due to a Christian.

5. *Village of Dolina*, commune of Kaniava.—August 16. They tied the arms of one Jules Turonis to a piece of wood, threw him to the ground and beat him terribly. This man, healthy and strong, since his torture has become quite feeble.

6. *Village of Mateliai*, commune of Berstai.—August 21st. They beat the inhabitants without distinction of age or sex.

7. *Village of Darzeliai*.—August 20th. Without any payment they took the pigs of the inhabitants Simon Jasklevicius, Michel Jasklevicius, U. Maziukas and Mathieu Grigas. They also took their hay without paying them.

8. *Village of Marcinkonys*. They took pigs, without any payment, from Etienne Tamulevicius (1), Jean Tamulevicius (3), and Antoine Jezukevicius (1). They also took without paying a bull from Mathieu Eveiglis.

During a perquisition made at the house of Hippolite Jesukevicius, they stole 15,000 Polish marks, at the house of Jean Kasettas 10,000 marks, and at the house of Clement Kumpas 15,000 marks.

9. *Village of Kapeniskiai*.—August 20th. In order to annoy the inhabitants the Poles broke their windows.

10. *Village of Musteikiai*.—August 2nd. The Poles took five bulls from the inhabitants.

11. *Village of Zamoscie*, commune of Berstai. One Galasevicius and his son were beaten because they resisted the robbing of their house and did not wish to allow their pigs to be carried off.

12. *Village of Versbiai*, commune of Sobakinsk, district of Lyda. They beat one Andriuskeviciene who had been denounced as hostile to the Poles.

13. *Village of Kulesai*, commune of Sobakinsk, district of Lyda.—August 22nd. They beat a woman for having refused to give eggs to the Poles.

14. *Village of Ryskiai*, commune of Berstai.—August 22nd. The Poles beat Lebedzevicius, Sakavicius father and Jean Sakavicius son, deputy mayor of the village, and Stralck, mayor of the village, because they were not able, on account of bad weather, to deliver forage in time.

15. *Village of Rakiai*, commune of Zabolotsk, district of Lyda.—August 22nd. The Poles arrested and beat one Joseph Antukevicius, his sister Liouba, their shepherd Alexis Lebedzevicius, aged 12, and their mother Sophie Antukeviciene, because Jacques Antukevicius did not wish to enrol in the Polish army. They also beat with the nagaika, sticks and the butt-end of their rifles Anne Antukevicaite, sister of the recruit Jacques Antukevicius.

16. *Village of Sumai*, commune of Berstai.—August 22nd. The Poles beat one Jean Miskinas. His small sister Malvine, aged 11, seeing her brother beaten, began to cry. An agent of the Polish police rushed at the child, who tried to make her escape, but was overtaken by one of the "Polish chevaliers" who wounded her in the heel with his sabre.

17. *Village of Sumai*.—August 22nd. They violently beat one George Gudaciauskas. His face has become black and swollen. "Your son may be released, but he won't be able to work any more," one of the Polish gendarmes, Stabiskas, established in the village, said to the father of the tortured man.

18. *Village of Sumai*.—One Alexander Sergueitchik was beaten till he was half dead. There is no hope that he can recover.

19. August 22nd. *Village of Paazuoliiai (Podemle)*, commune of Kaniava, district of Lyda. The inhabitant of this village, Ignatius Bernatavicius, was tortured in a brutal manner. They stuck needles into his feet and forced him to walk in his room; further, they stuck needles underneath his nails. Further, having tied his hands behind his knees and placed a stick between the hands and the knees they dragged him along the ground; afterwards they thrashed him with hammers on the soles of his feet. Death delivered him from these tortures.

20. *The same village of Paazuoliiai*, July 22nd. One Fabian Mackevicius became mad as the result of the tortures he endured.

21. *Village of Margeviciiai and Kapeniskiai*, of the commune of Merkine (Merecz).—August 5th. The Poles beat the parents of the young people who, not wishing to serve in the army of the occupants, have fled to Lithuania. Thus they beat Victor Valentukevicius, Charles Gudaitis, Petronele Krusiene, Jean Krusas and many others.

22. *Village of Musteikiiai*, commune of Merkine. They beat Jean Balevicius, Jean Tamulevicius, and Jean Gaidys. They took from the inhabitants of this village, without giving any payment, 3 pigs, and calf and a young cow.

23. *Village of Kobeliai*, commune of Merkine.—August 15th. One Thomas Packauskas, aged 75, was beaten because his three sons, in order not to serve in the Polish army, had left the country.

24. August 13th. The Poles arrested one Simon Grigas, an old man, and beat him, without any guilt on his part, because his son, John Grigas, had escaped from prison. The said Simon Grigas was beaten a second time in order to obtain from him desired information. He was tortured in a manner newly introduced into the country by the Poles: they tied his arms behind his knees and inserted a piece of wood between the arms and the knees. After having released him, they demanded to be paid for the labour effected on his person; he was forced to give butter, cheese, eggs and bread to those who had tortured him.

25. *Village of Kobeliai*.—August 15th. They took all the potatoes belonging to the family of one Adam Grigas, having accused him of being in Lithuania. It is opportune to show in this connexion by what methods the Poles try to obtain the desired information. The little daughter of Adam Grigas was placed before the wall and, taking aim at her, they asked where her father was.

26. *Village of Darzeliai*.—August 30th. During the night of August 29th, the Poles made an incursion into the house of Simon Grigas (the younger). They applied to him the torture in use, *i.e.* they placed a piece of wood between his arms tied behind and the knees. On being released from this torture he began to run to save himself, but he was stopped by a shot, arrested and taken to Kobeliai, where he had to submit to fresh tortures.

27. *Village of Cerechi*, commune of Rozankovo, district of Lyda.—July 12th. Leon and Nicholas Karpovitch were beaten by the Polish gendarmes because they declared themselves White Russians and could not say where the son of Leon Karpovitch was.

28. *Village of Stukale*, commune of Orle, district of Lyda.—July 12th. The mayor of the village of Stukale was arrested and beaten because some young men, being recruited, had refused to enlist in the Polish army.

29. *Village of Novo-Derazna*, commune of Orle, district of Lyda.—August 16th. One Daniel Koval-evski, aged 17, was severely beaten for having said to the wife of a Polish colonist, who spoke badly of the White Russians, "We'll drive all the Poles from our land."

30. *Village of Romanavici*, commune of Rozansk.—July 29th. A Polish punitive detachment beat all the inhabitants of the village who had led their cattle into the pasturage belonging to a big Polish landed proprietor.

31. *Borough of Orle*, district of Lyda.—July 6th.—A sergeant of police named Zuk, a very brutal man, beat all those who dared publicly to declare that they were White Russians. On this ground he beat Simon Guzenis and John Sersan.

32. *Village of Golinka*, commune of Orle.—July 6th. One Misievitch, an old man, was beaten by the Poles because he declared himself a White Russian.

33. *Village of Kupriai*, district of Lyda.—July 6th. A quarrel having arisen between the administrator of an estate and the inhabitants of the village on the subject of cattle, the police called by the administrator of this property arrested three inhabitants of this village and beat many of them.

34. *Village of Starinki*, commune of Orle, district of Lyda. The Poles beat one Nadatny—giving him 25 blows with the nagaika—who had declared that the Polish regime did not please him.

July 8th. The teacher of the village named Enza was publicly beaten with nagaiki by the commandant of the place and Polish police agents.

35. *Village of Precim*, commune of Orle, district of Lyda.—July 11th. The Poles arrested one John Drozd, a prominent White Russian who had rendered great service to the White Russian cause by his labours in the domain of White Russian national education and who was usually appointed by the local population to various public duties.

July 14th. They arrested and severely beat one André Gontchariuk, native of the village of Guta of the district of Slonim who, being a near relative of Drozd, had come to see the father of the teacher Drozd, who was sick, and help him with field work. The Polish corporal Kaczanowski, in the presence of the Polish gendarmerie, maltreated Mrs. Marie Drozd, the local teacher's mother, an old woman aged 68 and ill, and beat her in order to obtain information about her son who had escaped from prison.

36. *Village of Bandari*, commune of Ozersk, district of Grodno.—August 23rd. They beat one Tcherokh, then they tied his hands and feet and suspended him.

37. *Villages of Kaniukai, Bandarai, and Kosubincai*.—August 28th. They tortured one Capliukas, aged 55, beating him with hammers on the heels. Many inhabitants of these villages were also beaten.

38. *Village of Zarvinai*.—Commune of Kaniava, district of Lyda.—August 6th. Polish gendarmes took from the inhabitants, without paying anything, potatoes, forage, animals, and grain, and beat those who resisted. Also they took from one Michael Tamulevicius a horse, a cow, a calf, and a pig, and, threatening him with a revolver, compelled him to sign a document according to which he had consented to sell all this. They took a calf from one John Tamulevicius and beat him when he refused to sign a document according to the foregoing terms. Soldiers accompanied by officers arrive almost every day at the village, carry off the goods of the inhabitants and force them to sign documents that all these are sold by the inhabitants of their own free will. The same treatment of the inhabitants is repeated at the villages of Kasetai, Linica, Sumai, Dubiciai, Poddubno, Povasupis, etc.

39. *Village of Korkhi*.—July 23rd. In order to obtain information relative to the action of the insurgents against the Poles, they maltreated and beat one Catherine Korch, one of whose sons is among the insurgents. The brother of the insurgent, Basil, was thrown into a well.

40. *Schools and Education*.—The Poles have closed the White Russian schools and have confiscated in many cases the White Russian scholastic text-books, and have seized the stocks belonging to these schools in the following localities: *In the district of Lyda*, at Zblany, Tureisk, Ostrino, Sarunai, Ropsi, Filevici, Ziniaki, Narosi, Lipcanka, Orle, Burcici, Alekance, Murovance, Dzibutsk, Precim, etc.

In the district of Grodno at Verceliski, Zydomle, Zakubovici, Scanci, Berstai, Oziory, Skidele, Novosiolki, Zabocioniki, Gubinci, etc.

"The Union of youth for White Russian propaganda and instruction" at Verceliski and "The Association for White Russian instruction" at Zydomle have been dissolved.

We confirm that which is stated above by our signatures :

District of Lyda.

| | | |
|--------------------|-----------|---|
| For the commune of | Sciucin : | J. Sumski, V. Seigerovic. |
| " | " | Novo-Dvorsk : J. Berscanskii. |
| " | " | Sobakinsk : Ivan Amelevic, A. Amelevic. |
| " | " | Kaniava : Gaidukonis. |
| " | " | Orle : Janka Drozd. |
| " | " | Rozansk : K. Drobon, J. Karpovic. |
| " | " | Zolud : (signature illegible). |
| " | " | Liabedsk : (signature illegible). |
| " | " | Rodune : Stasys Doda, F. Gavelis. |
| " | " | Dzembrausk : V. Kovborka. |

District of Grodno.

| | | |
|--------------------|-----------|--|
| For the commune of | Berstai : | Petras Vasilevicius, J. Kozun, Ilkevic Vladimir. |
| " | " | Skidele : Vasko Michail, Michal Russi. |
| " | " | Verceliski : F. Lasevic. |
| " | " | Lasansk : (signature illegible). |
| " | " | Gozansk : (signature illegible). |
| " | " | Zydomle : P. Poludzen. |
| " | " | Ozersk : Nikolai Karpovic. |

X.

DISPUTE BETWEEN LITHUANIA AND POLAND.

POLISH PRISONERS AT KOVNO.

LETTERS DATED SEPTEMBER 25TH, 1922, FROM M. SIDZIKAUSKAS.

Note by the Secretary-General.

The following letters, dated September 25th, are forwarded, at the request of M. Sidzikauskas, President of the Lithuanian Delegation, to the Delegates to the Assembly :—

(Translation.)

LITHUANIAN DELEGATION TO THE LEAGUE OF NATIONS.

Geneva, September 25th, 1922.

No. 963.

SIR,

As all the Notes from M. Askenazy, the Polish Delegate, which have recently been communicated by the Secretariat to the Council, to the Members of the League and to the Delegates to the Assembly, accuse the Lithuanian Government of detaining "for the last three years in the most terrible conditions" in the prisons of Kovno "200 Polish political prisoners," I have the honour to request you to forward the Note of which a copy is enclosed to the Delegates to the Assembly, as was done with the Polish Notes.

I have the honour, etc.,

(Signed) V. SIDZIKAUSKAS,
President of the Lithuanian Delegation.

H.E. M. AUGUSTIN EDWARDS,
President of the Third Assembly
of the League of Nations,
Geneva.

LITHUANIAN DELEGATION TO THE LEAGUE OF NATIONS.

Geneva, September 25th, 1922.

No. 960.

SIR,

THE Lithuanian Delegation has the honour to submit to Your Excellency some remarks concerning the Note of M. Askenazy, the Polish Delegate, dated May 14th, 1922, forwarded at his request to the Members of the League of the 1st of this month, referring to the alleged bad treatment of the Polish prisoners in the prison of Kovno.

The Lithuanian Delegation repudiates, with the greatest indignation, the grotesque and unpardonable contents of the memorandum of the so-called Vilna deputies which the Polish Delegate has forwarded to the Council in the form of an annex to the above-mentioned Note, and according to which the Lithuanian Government is accused of "ill-treating conquered and unarmed enemies by propagating an epidemic of typhus among the Polish prisoners."

The Lithuanian Delegation is convinced that, in the light of these monstrous accusations, brought with the sole object of unlawful propaganda, the Council will know how to appreciate the Polish Delegate's Note at its true value.

In view, however, of the fact that the Polish Government intends to invoke, either directly or by the intermediary of its Delegate to the League of Nations, the intervention—on this occasion the urgent intervention—of the Council on behalf of "unhappy prisoners condemned by the Lithuanian Government to slow torture in its prisons," the Lithuanian Delegation feels obliged to lay before the Council certain information as to the character of these "unhappy prisoners."

In the year 1918, a secret military organisation was formed in Poland, at the instigation of the Polish Headquarters Staff, under the name of P. O. W. (Polsk Organizacja Wojskowa—the Polish Military Organisation). Its object was to assist the work of the regular army in carrying out destructive operations in the territory of an enemy State by fomenting plots against the Government of that State, removing the chief political personages, etc. This organisation had branches in Lithuania, particularly at Kovno, where it kept in close touch with the Polish General Staff and worked under its orders, for at that time the annexations contemplated by the Warsaw Government included the whole of Lithuania.

Taking advantage of the difficult situation of Lithuania, exhausted by a long and harsh German occupation, isolated and without any effective help from abroad, at grips with the Bolshevik troops, which the young Lithuanian army had just driven out of its territory, the P. O. W. organisation had made the necessary preparations for provoking an armed revolt in Lithuania at the end of August, 1919, and for the proclamation of the union of that country with Poland. On the eve of the day when the revolt was to have taken place, all communication between the temporary capital of Lithuania, Kovno, and the provinces was interrupted by the agents of the P. O. W.; lists of the principal Lithuanian personalities, members of the Government, etc., who were to be the first victims of the *coup d'état*, were drawn up, and at the same time the Polish army was concentrated on the line of demarcation separating the armed forces of Lithuania and Poland. Fortunately, the plot was discovered by the police authorities and the members of the P. O. W. were arrested on the very night fixed for the execution of their criminal plan.

Such are the individuals in this "tragedy" spoken of by the Polish Delegate with an emotion which, moreover, is quite comprehensible. In any other country the capital penalty would have been inevitable for those guilty of such a crime; but the Court-martial and, in the second instance, the Supreme Court of the Republic condemned them to various periods of penal servitude.

In April, 1921, before the meeting of the Lithuanian-Polish Conference at Brussels, under the presidency of H.E. M. Paul Hymans, a number of prisoners were set at liberty by an act of grace on the part of the President of the Republic of Lithuania, who desired to show, on that occasion, the spirit of conciliation and good-will felt by the Lithuanian nation towards Poland. Nine others had been released by a similar act on February 16th, 1922, the date of the fourth anniversary of the independence of the Republic.

The Lithuanian Delegation wishes to emphasise a characteristic fact at this point. Whenever the Lithuanian Government manifests its good intentions, M. Askenazy endeavours, with his usual spirit of ill-will towards Lithuania, to invent special reasons calculated to diminish the moral value. In his note of May 14th he represented the amnesty granted to part of the members of the P. O. W., on the occasion of the Lithuanian national festival, as a result of the funeral ceremony at Kovno on February 17th, 1922, which is stated to have taken place in the most

profound silence and which, nevertheless, was transformed into "an imposing manifestation sufficient to impress even the Lithuanian Government to such a degree that it was "forced to liberate several prisoners." The Lithuanian Delegation states formally that this account is an entire invention.

There only remain at this moment in the Lithuanian prisons six members of the Polish military organisation P. O. W., sentenced to penal servitude for life by the Supreme Court of the Republic for the crime of high treason. The Lithuanian Delegation is inclined to believe, however, that these also would have been liberated by an act of clemency if too frequent and inadmissible intervention by the Warsaw Government had not rendered it impossible.

In its previous notes, the Lithuanian Government has already refuted the incorrect and mistaken assertions of the Polish Government regarding the sanitary condition of Kovno prison and the fictitious number of deaths due to typhus. The Lithuanian Delegation confines itself to quoting here a passage from the telegram of Major Keenan, a member of the Military Control Commission of the League of Nations :

" I am informed on good authority that the Polish prisoners receive proper care and treatment and that civil doctors are allowed, at their request, to treat them in the prisons." (See " Reports of the Military Control Commission " to the Council, page 26, document C. 329, M. 183, 1922. VII.).

In the case of Ciborovski, mentioned in M. Askenazy's note, the enquiry which the Lithuanian Government instituted on the subject showed the absolute inaccuracy of the Polish Delegate's assertions.

Finally, the Lithuanian Delegation desires to give some explanation concerning the supposed arrests of " Young Poles " who are alleged to have fought in the Polish Army against the Bolsheviks, and who, on their recent return to Lithuania, are said to have been arrested. This is a reference to certain young men who, having avoided military service in Lithuania, whose army actually co-operated with the Polish army during the years 1919 and 1920 in the common campaign against the Bolsheviks, enlisted in the Polish army and fought under the command of the notorious General Zeligowski against Lithuania herself. After demobilisation by the Warsaw Government, they returned secretly to their native country without the permission of the Lithuanian authorities. The Lithuanian Government cannot, of course, do otherwise than enforce the existing laws in these cases.

The Lithuanian Delegation does not think that any useful purpose would be served by entering upon a discussion with the Polish Delegate with regard to his assertion that there is not a single Lithuanian political prisoner at the present moment in the whole of the " Polish Republic, including the territory of Vilna," for :

1. It would be difficult, if not impossible, for us to agree with M. Askenazy as to the meaning of " Lithuanian," in view of the present state of the Lithuanian-Polish dispute and the absence of frontiers between the two States;

2. The Polish Government practises the method of expulsion on a large scale; and

3. The real and innumerable complaints from the Lithuanian population in the Vilna territory in Polish occupation prove exactly the contrary.

In view of the above, the Lithuanian Delegation has the honour to state that, in its opinion, any intervention by the Council in the case submitted by the Polish Delegate's Note would be unjustifiable.

I have the honour, etc.

(Signed) V. SIDZIKASKAS,
President of the Lithuanian Delegation.

H.E. M. DOMICIO DA GAMA,
President of the Council of the
League of Nations,
Geneva.

XI.

LETTER FROM THE LITHUANIAN MINISTER FOR FOREIGN AFFAIRS TO THE SECRETARY-GENERAL.

(Translation.)

Kovno, October 23rd, 1922.

SIR,

I HAVE the honour to forward to you a translation of a Petition, addressed to the President of the Lithuanian Republic by the Representatives of the Communes of Vilna and Grodno.

This petition gives an account of the methods employed by the Polish Authorities to conceal the arbitrary acts committed by them against the population of the districts in question. These acts have already been brought to the notice of the Members of the Council of the League of Nations in our letter dated August 19th last (C. 597, 1922, VII.)

In accordance with the wish of the petitioners I have the honour to beg you to communicate their petition to the Members of the Council of the League of Nations.

I have the honour to be, &c.,

(Signed) GALVANAUSKAS,
Minister for Foreign Affairs.

PETITION TO THE PRESIDENT OF THE REPUBLIC OF LITHUANIA.

The undersigned, Delegates of the Communes in the districts of Vilna and Grodno which are under Polish occupation, have the honour to lay before you the following statement, and to beg you to bring it to the notice of the League of Nations, and of the European and American Powers :—

In consequence of the complaints and protests contained in the Memorandum which we addressed to your Excellency and to the League of Nations on July 25th, 1922, the Polish Government, in order to discredit the Memorandum, to prove to the world that it is innocent of the shedding of blood and of the oppression of the population in the occupied districts of Vilna and Grodno, and to cover up its barbarous and cruel conduct towards the non-Polish population in the occupied districts of Lithuania and White Russia, is acting in the following way :—

The Polish Authorities send to the places in which the population has most suffered from arbitrary action Commissions and Agents, who question those of the inhabitants whose names are contained in the above-mentioned Memorandum with regard to the arbitrary acts committed by the Poles, and draw up statements contesting the accuracy of the facts set forth in the Memorandum, which they then compel the inhabitants to sign.

We, the Delegates of the Communes in the occupied districts of Vilna and Grodno, protest with the utmost energy against the acts of violence committed by the Poles, and against the methods they employ to conceal them.

We protest for the following reasons :—

- (1) The terrorised inhabitants cannot freely express their wishes to, or lay their complaints before, men who only the other day were torturing them; when the executioners assume the rôle of protectors, the inhabitants instinctively refuse to speak, and are filled with terror;
- (2) To avoid new persecutions, the terrorised inhabitants yield to the exigencies of their oppressors;
- (3) Those in occupation take particular advantage of the fact that the inhabitants are illiterate, do not know Polish, and may, therefore, sign or approve by crosses or by finger-prints anything the Poles want, even their death-sentences;
- (4) All sworn statements are drawn up in favour of those in occupation in order to justify their oppression of the inhabitants of the occupied districts of Vilna and Grodno, and not with any humanitarian object.

In view of this state of affairs, we, the delegates, beg your Excellency to intercede with the League of Nations, and urgently to request that body to appoint, as quickly as possible (before the still recent wounds due to Polish torture have been healed) a Commission of the League of Nations, to take cognisance of the acts of violence committed by the Poles in the occupied districts of Vilna and Grodno.

Delegates of the Communes of the Grodno District :

- | | | | | | |
|-----|----------------------------|---|---|---|---|
| (1) | For the Commune of Berszty | - | - | - | I. Vasilevitch, P. Vasilevitch, M. Voronko. |
| (2) | " " Wiercieliszki | - | - | - | I. Lasevitch, M. Schamruk. |
| (3) | " " Hoza | - | - | - | A. Juk. |
| (4) | " " Skidel | - | - | - | S. Rojko. |
| (5) | " " Lasza | - | - | - | I. Savelitch. |
| (6) | " " Indura | - | - | - | O. Myslivski. |
| (7) | " " Porzecze | - | - | - | Kazimir Obuchovski. |
| (8) | " " Jeziory | - | - | - | F. Tchapliuk. |

Delegates of the Communes of the Bielsk District :

- | | | | | | |
|------|-------------------------|-----------|---|---|---|
| (9) | For the Commune of Orla | - | - | - | German Schimaniuk. |
| (10) | " " | Dubiazyn | - | - | Ivan Gritzuk. |
| (11) | " " | Kleszczle | - | - | Filipp Vavrynovitch, Ignat ^u Rostchenko. |

Delegates of the Communes of the Pruzana District :

- (12) For the Commune of Bialowieza - - Mikolay Vapa.

Delegates for the Communes of the Brest-Litowsk District :

- (13) For the Commune of Wierchowice - - P. Solomsiukevitch.

Delegates of the Communes of the Bialstok District:

- (14) For the Commune Dojlidy - - - N. Mateytchiuk.

Delegates of the Communes of the Sokolka District :

- (15) For the Commune of Ostrow - - - Luka Avgustintchik.

Delegates of the Communes of the Troki District :

- (16) For the Commune of Marcinkance - - Jonas Grigas, Alfonsas Packauskas.

Delegates of the Communes of the Lida District :

- | | | | | | |
|------|--------------------------|-------------|---|---|---|
| (17) | For the Commune of Radun | - | - | - | Dominikas Vaitkunas, Stasys Doda. |
| (18) | " | Nowy-Dwor | - | - | S. Sntonczyk. |
| (19) | " | Sebakince | - | - | A. Amelevitch. |
| (20) | " | Ostryna | - | - | F. Nowikovitch, A. Demianovitch, A. Dobro- volski. |
| (21) | " | Rozanka | - | - | K. Drobyn, I. Karpovitch. |
| (22) | " | Koniawa | - | - | Barnatavitch. |
| (23) | " | Orla | - | - | Manko, I. Drozd. |
| (24) | " | Szczuczyn | - | - | Schumski, Vlad. Benlauski. |
| (25) | " | Zeludok | - | - | A. Siaryi. |
| (26) | " | Zabolotnaja | - | - | I. Antukevitch. |

Delegates of the Communes of the Swenzjany District :

- (27) For the Commune of Melengjany - - } Br. Slidzevski.
(28) " " Tweretsch - - }

Delegates of the Communes of the Wilejka District :

- (29) For the Commune of Ilia - - - - Zabaronok.

Certified true copy,

(Signed) IQ. JONYNAS,

Director.

Ministry of Foreign Affairs.

XII.

DECLARATION MADE BY THE PRESIDENT OF THE LITHUANIAN DELEGATION
AT THE SITTING OF THE COUNCIL ON JANUARY 1ST, 1923.

MR PRESIDENT AND GENTLEMEN,

At the session of the third Plenary Assembly of the League of Nations, as also in its subsequent notes, the Lithuanian Government has had the honour, in virtue of Article 11 of the Covenant, to draw the attention of the League of Nations to the situation of the non-Polish elements in the Vilna Territory occupied by the Polish armies, a situation which is regarded as being of a nature to affect international relations and to constitute a menace to peace. The Lithuanian Government has since demanded the despatch to Vilna of a commission of enquiry composed of representatives of the neutral powers, to which would be attached a representative of the Lithuanian Government and a representative of the Polish Government, and whose mission would be to investigate on the spot and to present a report to the Council and to the next Assembly, in case the Polish-Lithuanian conflict on the subject of Vilna should not have been settled before the reunion of this latter. The Lithuanian Government has also begged the Assembly to consider the possibility of sending into the contested Vilna territory a permanent

commission of the League of Nations. The Assembly has submitted this request of the Lithuanian Government to the Council.

What at the present time is the true situation in the Vilna territory?

As I have taken the liberty of pointing out to the Sixth Commission in observations which I have had the honour of presenting to it under date of September 21st, 1922, the Polish Army of occupation, numerous as it is, as also the organs of administration, are opposed to an almost insurmountable difficulty of administering the country in dispute against the will of the overwhelming majority of the population. In the first place, the Polish Government directs its activity against Lithuanian and White Russian scholastic and cultural institutions. A veritable pogrom was organised; the Lithuanian schools of Vilna have been closed or driven from their premises; the inmates of orphanages and boarding-schools thrown into the street, the press destroyed, the editors put in prison. In order to stifle the least manifestation of the Lithuanian and White Russian life of Vilna, agents of the Polish Government arrested the principal Lithuanian and White Russian leaders and expelled them from the town. This fact is mentioned besides by Colonel Chardigny, President of the Military Control Commission of the League of Nations, in one of his reports to the Council, where he expressed himself in the following terms: "The Commission considers that these arrests and the expulsions which followed them are a most regrettable occurrence and that they are calculated to aggravate the tension which already exists between the two countries."

If, at Vilna, the agents of the Polish Government are preoccupied above all with the annihilation of the Lithuanian intellectual classes and the stifling of the least manifestation of the national life in order to give this town an aspect more or less Polish, the measures of extreme gravity which the Polish administration practises towards the rural and non-Polish population of the occupied territory pursue an end not less evident. What is aimed at by acts of unheard of cruelty, is to prepare these populations of a cultural level already very low for an eventual popular consultation or plebiscite in view of a definite settlement of the fate of the territory in dispute.

We read in the petition of the Lithuanian Committee of Vilna, addressed to the League of Nations and published in No. 20, the following phrase: "For four years, supported by their military force, the Poles have redoubled their efforts to establish the Polish elements in our country and to crush and annihilate the Lithuanians."

Contrary to the law of nations, the Polish Government tries to raise conscripts in the territory which it occupies illegally as the result of General Zeligowski's *coup de force*, which constitutes a source of trouble. The local population being decidedly hostile to service in the army of the occupants, the young men do not present themselves at the recruiting offices, which entails the punishment of their parents and relatives. The villages and boroughs are surrounded by so-called Polish detachments of reprisals, which make perquisitions, torture the inhabitants in order to obtain information, and do not stop even before the sanctity of Christian churches and synagogues. The Lithuanian Delegation will abstain from citing concrete facts which the Lithuanian Government has reported to the Third Assembly of the League of Nations and to the Council and which are eloquently exposed in innumerable petitions addressed to the League of Nations and to the Lithuanian Government by the oppressed population. One thing only remains to be stated, which is that the situation in the occupied territory, far from improving, is growing worse from day to day. Artificially cut off from the rest of Lithuania, with which it forms an economic unit, the contested territory suffers from the stagnation of business and will offer a fertile ground for Bolshevist propaganda. A prolongation of the present state of things would be prolific of dangers for this part of Europe.

The grievances, Gentlemen, which the Lithuanian Government has formulated against the Polish administration and Government are very grave, and the Lithuanian Government has made them in the full consciousness of its responsibility. After having disclosed the sufferings of the non-Polish elements of Vilna, the Lithuanian Government respectfully begs you to be good enough to send there a commission of enquiry which could verify the facts on the spot and present them in a report to the Council. But the commission of enquiry will not be able usefully to accomplish its task unless the population of the occupied territory is certain of being able to speak freely and without any fear of reprisals on the part of the Polish administration. Also the Lithuanian Government has the honour to beg the Council to be good enough to send to Vilna its permanent commissioner, who would protect the non-Polish population of the contested territory as well as that of the neutral zone. It seems to us superfluous to add, Gentlemen, that such a decision of the Council, conforming to the suggestion made by the Third Assembly, would calm excited minds in the Vilna Territory and renew their faith in the League of Nations, to which has been confided the settlement of their fate and of their future. On the other hand, these measures of the Council would perhaps create an atmosphere favourable to the solution of the Vilna dispute and to the rapprochement of the two neighbouring nations.

XIII.

LETTER FROM THE PRESIDENT OF THE LITHUANIAN DELEGATION, WITH
REFERENCE TO HIS DECLARATION ON JANUARY 1ST, 1923.

LITHUANIAN DELEGATION TO THE LEAGUE OF NATIONS.

Paris, January 2nd, 1923.

H.E. Monsieur RENÉ VIVIANI,
President of the Council of the League of Nations,
Paris.

MR. PRESIDENT,

THE Lithuanian Delegation has the honour to specify the declaration which it has taken the liberty of making to the Council at its yesterday's sitting. The proposal of the Council to apply with regard to the non-Polish elements of Vilna the provisions of the Minorities Treaty does not give satisfaction to the Lithuanian Delegation, in view of the litigious nature of the Vilna territory and the measures of exceptional gravity practised by the Polish Government for the purpose of rendering possible the annexation to Poland of this Lithuanian province, the overwhelming majority of which are hostile to the domination of Poland. The provisions of the Minority Treaties furnished for normal situations do not offer sufficient guarantees for the case in question. The Lithuanian Delegation regrets that the Council should not have given effect to its legitimate demand, conformable to the spirit of the resolution of the Third Assembly, for the despatch to Vilna of a commission of enquiry and of a permanent commissioner of the League of Nations who, while protecting the non-Polish element at Vilna, would not fail to bring about amelioration in the relations between Lithuania and Poland. This declaration made, the Lithuanian Delegation will refer the proposal of the Council to its Government.

I beg you, Mr. President, to be good enough to attach the present declaration to the report of the sitting of the Council and to accept the assurances of my very high consideration.

(Sgd.) V. SIDZIKAIUSKAS,
Lithuanian Delegate.

SECTION II.

The Polish-Lithuanian Frontier Question and the Decision of the Conference of Ambassadors, March 15th, 1923, in relation thereto.

By the Armistice or Convention of Kovno, which was signed on November 29th, 1920, under the auspices of the Military Control Commission of the League of Nations, hostilities between the Lithuanian army and the troops of General Zeligowski were terminated, and a neutral zone, designed to form an effective barrier between the opposing forces, was created. As the Control Commission itself observes in its Report (page 6), "no line of demarcation was fixed in the neutral zone of Vilna, because the Commission did not think it possible to establish a frontier between a State which had been accorded *de facto* recognition and a State simply created by force of arms." As far as the Lithuanian Government itself is concerned, as its Memorandum of March 9th, 1923, to the League of Nations clearly points out, the Convention in question was signed by it "only in order to facilitate the evacuation of the invaded territory by General Zeligowski's troops."

At its meeting of February 3rd, 1923, held in Paris, the League Council adopted a recommendation based upon the so called Saura Report, dividing between Lithuania and Poland the administration of the neutral zone established under the aforesaid Convention of November 29th, 1920. The Polish delegate accepted this recommendation for the very good and sufficient reason that, while conveniently camouflaged as a purely "provisional" arrangement, in no way pre-determining the final allocation of the disputed territory, it left under Polish jurisdiction the very area which, according to the Suvalki Agreement of October 7th, 1920, signed by both Poland and Lithuania, with the approval of the Military Control Commission of the League of Nations, should properly have remained under Lithuanian jurisdiction until a final settlement of the frontier question.

One of the chief reasons assigned by the Council for bringing forward this resolution was the necessity for putting an end without delay to the state of disorder and insecurity which then reigned in the neutral zone. Yet it is notorious that this very state of disorder and insecurity has been deliberately fomented and fostered by Poland in order to provide a pretext for the abolition of the zone and the substitution of a fresh demarcation-line which should give her recognised jurisdiction over the coveted territory, and it was the Lithuanian Government's appreciation of this underlying purpose which all along had confirmed it in its resolute resistance to any modification of the existing conditions which might subsequently be interpreted as overriding the demarcation line established by the Suvalki Agreement of October 7th, 1920.

Dire and bitter experience had already taught the Lithuanian Government the danger of accepting any ostensibly "temporary" or "provisional" demarcation-line, since the history of Polish-Lithuanian relations during the past three years has been a sustained and melancholy record of deliberate infringements by Poland of successive lines of this character.

A keener appreciation of Polish psychology and more exhaustive first-hand knowledge of Polish methods than any outsider can ever possess inspired the declaration made by the Lithuanian Representative before the Council of the League of Nations on February 3rd, 1923, in opposition to the Council's proposal to divide the neutral zone. The Lithuanian Government felt convinced that any acquiescence on its part in the proposed new arrangement, however "provisional" its alleged nature, would later on inevitably be utilized to justify the perpetuation of that arrangement. The sequel has fully vindicated that conviction.

Furthermore, the declaration pointed out that no conflict on the subject of the division of the neutral zone or the tracing of an administrative line had ever been submitted by the Lithuanian or Polish Government to the arbitration or to the solution of the Council of the League of Nations. The question of the division of the neutral zone had been raised on the initiative of the Council itself, and the Lithuanian Government had never ceased to declare that it would not accept any modification in the neutral zone, and that it demanded the establishment of the demarcation-line fixed by the Suvalki Agreement. Considering that the neutral zone in the contested territory of Vilna had been established by virtue of the Kovno Convention of November 29th, 1920, between Poland and Lithuania, no change could properly be introduced without the consent of the two Governments concerned. Mr. Sidzikauskas therefore contended that the League of Nations Covenant did not confer upon the Council the right to adopt decisions or to pronounce an arbitral award in the present case, no conflict on this subject having been brought before the Council by the interested parties.

For the reasons briefly cited, the Lithuanian Government wished to transfer the dispute to a more impartial body, in the shape of the Permanent Court of International Justice, and in a Memorandum, dated March 9th, 1923, specifically requested that the Court's opinion should be sought on the two questions, *i.e.* :—

1. Had the Council of the League of Nations, to which a dispute had been referred by virtue of paragraph 1 of Article 15 of the Covenant, the right to make to the parties, on incidental questions which had not been expressly submitted to it, recommendations having the force of reports of the Council mentioned in paragraphs 4, 6, and 7 of the same Article 15?

2. Were the recommendations of a report of the Council of the League of Nations, voted under the conditions of paragraph 6 of Article 15 of the Covenant of the League of Nations, and accepted by one of the parties, obligatory for the other party who did not accept them, and did the recourse of the latter party to war, after the interval fixed by Article 12 of the Covenant, against the party who agreed to the report, expose it to the sanctions of Article 16?

It may be recalled in this connexion that the Lithuanian Delegate's emphatic assertion, on behalf of his Government, that the latter would be compelled to resist any attempt by Poland to modify the situation in the neutral zone, had elicited an angry threat from M. Viviani, President of the Council, to invoke these sanctions against Lithuania in the event of such action on her part.

As was to have been anticipated, the Council of the League of Nations refused the Lithuanian Government's request to refer the two foregoing questions to the Permanent Court of International Justice, being interested in the retention of the entire matter until a final solution could be reached favourable to Polish ambitions.

That the Lithuanian grievance against the League's handling of the dispute with Poland is far from being merely academic will appear from the following considerations.

Article 16 of the League of Nations Covenant was framed for the express purpose of investing the League with means of coercion in just such cases as the Zeligowski *coup de force*. Under this article the League has power to ostracize the offender in an economic sense, and may even invoke military, naval, and air strength to protect the covenants of the League. This being so, why were not those powers utilized by the League after it had convinced itself that Poland could not be moved by academic arguments? More recent events do, indeed, justify doubts as to the alleged inability of the League to resort to coercion and as to its determination to produce settlement solely by agreement. However true this attitude may have been when it was a recalcitrant Poland against whom coercion would have had to be directed, far less

diffidence was exhibited by the League Council when Lithuania, on February 3rd, 1923, refused to accept the Council's division of the neutral zone in such wise as to give to Poland the very territory in dispute. So far was the Council from favouring settlement by agreement on the latter occasion that the President (M. Viviani) declared the Council's recommendations valid, "*in spite of the refusal of one of the parties,*" i.e., Lithuania, to accept them. Further, when Lithuania ventured to oppose the Council's decision, President Viviani promptly declared that the League would invoke this very Article 16 of the Covenant, in case the Lithuanian Government resisted the Polish attempt to occupy further territory.

We are thus confronted by this curious anomaly in League procedure, that, whereas coercion formed no part of the League's plan *when Poland had actually resorted to violence against Lithuania in October, 1920*, President Viviani at least was of opinion that coercion must be applied to Lithuania in 1923, should that country even attempt to defend her territories against a Polish occupation authorized by the League in spite of Lithuania's protests! Apparently, therefore, the consent of both parties, deemed an essential quality of the Council's proposals in 1921 *to cede Vilna to Lithuania*, ceased to be necessary in 1923, when the Council indulged in a complete *volte face* and assigned Vilna to Poland.

All along Lithuania has done her best to co-operate with the League in arriving at a settlement by agreement. When the famous Hymans project was submitted to her, she made a serious effort to meet its proposals as nearly as possible, and her concessions in this respect embodied the absolute maximum consistent with the preservation of her sovereignty and independence. Her counter-proposals were in no sense irreconcilable with the avowed objects of the League; they simply eliminated from the Hymans project certain provisions whose retention would have imperilled her sovereignty and independence. We may briefly mention, for example, Article 11 reserving Poland the right, *at all times*, to use the Niemen River for munitions of war, although the acceptance of this clause by Lithuania would have been tantamount to an infringement of her neutrality towards Russia, to which she is pledged under the Russo-Lithuanian Treaty of July 12th, 1920; further, Article 6, declaring Polish an official language together with Lithuanian throughout the Lithuanian State, although in the territory now under Lithuanian jurisdiction there are only about 3 per cent. of Poles; Article 9 empowering an arbitrator, appointed in advance by the League of Nations to decide, in cases of disagreement, whether the two countries should mutually assist each other in war; and certain features of Article 8 respecting a joint foreign policy for the two States. The Council of the League never even vouchsafed to give the Lithuanian counter-proposals any serious consideration; they were merely ignored. Thus Lithuania was really willing to accept the Hymans project with some qualifications imperatively demanded for the defence of her national integrity. Poland, on the other hand, categorically rejected the project because she aimed at nothing less than the annexation of Lithuania.

That the Lithuanian Government's apprehensions lest the League Council's resolution of February 3rd, 1923 should be made the pretext or basis for the legalization of flagrant international illegality were not one whit exaggerated was, unfortunately, only too speedily demonstrated. Already before the fateful March 15th, the Poles had on several occasions overrun the new demarcation line in the neutral zone and invaded Lithuanian territory recognized as such even by the League of Nations. Correspondence and telegrams on this subject will be found below. Finally, on March 15th, 1923, the Conference of Ambassadors in Paris rendered its decision, according to which Vilna and the Vilna region were finally assigned to Poland. In this manner the highest international body to-day extant set the seal of its august approval upon an unblushing violation of international law difficult to parallel in modern annals—an act which had been repeatedly condemned by the League of Nations itself as "a violation of the engagements accepted *vis-à-vis* the Council of the League of

Nations" (Letter from M. Léon Bourgeois, President of the Council of the League of Nations, addressed to M. Paderewski, October 4th, 1920).

One of the most objectionable features of the decision of the Conference of Ambassadors is the wholly unwarrantable interpretation it presumes to attach to the Lithuanian Government's Note of November 18th, 1922, in which that Government requested the Conference to avail itself of the powers it possessed under Article 87 of the Versailles Treaty to settle Poland's eastern frontiers. The Lithuanian Government, in its Note of April 16th, 1923, to the Conference of Ambassadors, took occasion to remind the latter that in appealing for a settlement of Poland's eastern frontiers, the Lithuanian Government also asked that the Conference should bear in mind "the solemn engagements" of Poland "towards the Lithuanian State, as well as the vital interests and rights of Lithuania." The decision of the Conference of Ambassadors carefully refrains from quoting this second part of the Lithuanian appeal. "In addressing itself to the Powers, the Lithuanian Government solicited their aid to reinstate it in its right violated by Poland. It could not solicit them to invest with their sanction an obvious violation of international law."

The Conference of Ambassadors also invoked, in order to legitimate its decision, the League Council's resolution of February 3rd, *against which the Lithuanian Government had already protested in the most energetic terms*. Thus, in the words of the Lithuanian Note of April 16th, 1923, "the Conference has openly legitimated the actual state resulting from General Zeligowski's *coup de force*, officially censured by the Council of the League of Nations; *it has gone beyond that portion of the recommendation of the Council itself which expressly reserves the territorial rights of the two States*, and it has retained of the decision of February 3rd only the tracing of the frontier-line which formed the object of the most energetic protests of the Lithuanian delegate and of his Government."

The Lithuanian Government, it need hardly be said, entertains no intention whatever of forcibly opposing the illegal occupation of the Vilna territory by Poland, now officially consecrated by the Principal Allied and Associated Powers. It has, however, voiced its most emphatic protest against both this consecration of international injustice perpetrated by Poland and the terms themselves of the decision of the Conference of Ambassadors of March 15th, 1923, which has erroneously represented Lithuania as having accepted beforehand this iniquitous decision. The Lithuanian Government has, therefore, solemnly declared that in this case it does not recognize the decision of the Conference of Ambassadors as binding upon Lithuania, and that it maintains in all their integrity the rights of Lithuania over her ancient capital and the entire Vilna Territory.

XIV.

(Translation.)

M. SAURA'S REPORT ON A PROVISIONAL DEMARCATION LINE IN THE NEUTRAL ZONE.

It is extremely difficult to trace even a provisional demarcation line in the Vilna neutral zone. The tracing of such a line can only be artificial. If one takes up an ethnographic standpoint, one should attribute to the Polish administration all the Vilna zone, with the exception of its southern portion traversed by the railway, and some villages of Shirwinty and Sedroice, because the inhabitants of the neutral zone, save those of the places mentioned, speak Polish and are orientated more or less towards Poland.

On the other hand, from the economic point of view, the Vilna-Grodno-Warsaw railway line should share the fate of Vilna. An agreement between the two principles would be the following division:—

The Lithuanian State will administer the territory situated in the neutral zone belonging to the following villages or localities: (From south to north, German General Staff Map 1:100,000)

Podkamien, Karpiszki, Strzelciszki (as far as the crossing of the highways and as far as hill 142), Kalance, Spengleniki, Giecemiszi, Uzuleje, Prybance, Greczowka, Wismance, Jagielany, Dergiance, Kopciszki, Zailgi, Chwoszna, Niedzwiedowka, Janczuny, Daniliszki, Jerowka, Nowy Dwor, Promyslowka, Walakiszki, Kurliszki, Kalejkiemie, Wiluniszki, Kiermanczyszki, Bialolesie, Owsieciszki, left bank of the Vilija as far as Sejaeniszki, Kliszebloto, Podosierce, Pojodzie, Pospierze, Kejmince, Skietery Olinowo, Pory, Kontromiszki, Kiele, Awizance, Nieczance, Borowy, Olany, Palki, Ollis, Okmiana, Papiszki, Torokiele, Aleksandryszki, Druse, Gawajki, Zoltynie, Lake Oswie as far as Olka, Lake Baloma, Habejszki, Mlynsk, Janiszki, Szerajkiszi, Surgance, Lake Prowa.

The Polish State will administer the territory situated in the neutral zone belonging to the following villages or localities: (From south to north, German General Staff Map 1 : 100,000) Bortele, Kukle, Wojtowo, Vw. Puszkarnia, Czarnokowale, Kol. Lejpuny, Wejksztelance, Ejgielance, Markowszna, Skobska, Wimpirdy, Dombrowo, Dombniaki, Stanislawowka, Kotysz, Staskuniszki, Lebledzie, Mejluszki, Podworance, Glity, Piektoniszki, Kiermeliszki, Kudrany, Poniewieszka, Majdany, Miciuny, Lojejszki, Mejryszki, Borsze, Jateluny, Puzanovo, Kazimirówka, Surmance, right bank of the Vilija as far as Podworance, Podgajen, Drawcze, Mejluny, Papiernia, Borzkuszki, Uzyblindzie, Lipowka, Poblyndzie, Zybdule, Astyki, Skerkowszna, Romaszkanca, Poginy, Borowka, Sontoki, Pustylki, Rudejki, Stolarszna, Zenwiszki, Smilgi, Gawejki, Sidobry, Lake Oswia as far as Jankuniszki, Purwinski, Szarkiszki, Maciejowa, Ormiany, Skerdze, Nowosiolka, Grybianca, Lake Prowa.

The self-styled neutral zone to the north of Vilna, along the Vilna-Dvinsk Railway, remains outside the question. It has never been recognised as such by the Lithuanian Government, because the armistice of Kovno, which was concluded between the Lithuanian Army and the troops of General Zeligowski, and which created the neutral zone of Vilna, was not applied to the troops of the Polish Army who have occupied a portion of the Vilna-Dvinsk railway line. This neutral zone, created *de facto* by the Military Commission of Control, is inhabited in a great majority by a population of the Lithuanian race. It should be attributed *en bloc* to Lithuania as far as the line of the Polish outposts.

(Sgd.) P. SAURA.

XV.

REPORT OF EIGHTH SITTING OF THE COUNCIL OF THE LEAGUE OF NATIONS, HELD FEBRUARY 1ST, 1923.

POLAND AND LITHUANIA.

The representatives of Poland and Lithuania and M. Saura, the commissioner charged with presenting a report on the neutral zone, take their place at the table of the Council.

M. Hymans recalls the terms of the final recommendation of the Council dated January 13th, 1922. The Military Commission has instituted in the disputed region a neutral zone divided into three sectors, with the object of preventing any collision between the troops of the two parties. The southern and central sectors were instituted by agreement between the two parties. As regards the northern sector, it was established through an act of authority of the Military Commission, independently of any agreement between the parties, but in fact it had been respected. The Military Commission had sanctioned the substitution of a provisional demarcation line for the neutral zone. Poland accepted this substitution, but Lithuania refused to recognise any other line than that of the Treaty of Suwalki. On May 16th, 1922, the Council had decided to recommend the maintenance of the neutral zone from the military point of view, and to trace a demarcation line for the civil and judicial administration. It had at the same time decided to send a commissioner, M. Saura, to draft a report which had been submitted to the Council. It appeared from this report that the situation in the neutral zone was very grave. It was a reign of arbitrariness and of violence. The Poles admitted in principle the conclusions of M. Saura's report, but demanded some modifications of the proposed demarcation line. As for Lithuania, she maintained her opposition to any demarcation line other than that contemplated by the Suwalki Treaty.

M. Askenazy submitted a memorandum explaining the standpoint of the Polish Government, and concluding with the following declaration:—

"I have the honour to declare, in the name of my Government, that the Polish Government, full of confidence in the wisdom and justice of the Council, inclines with respect before its decision and accepts it in advance."

M. Sidzikauskas submitted a memorandum explaining the point of view of the Lithuanian Government, and concluding with the following declaration :—

“ The Lithuanian Delegation has the honour to declare, in the name of its Government, that it finds itself unable to accept any division whatsoever of the neutral zone, or to discuss the eventual tracing of an administrative demarcation line other than that of Suvalki.”

M. Saura declared that in the neutral zone very well armed Lithuanian and Polish bands rendered the situation untenable and that, if they sent a commissioner there, his life would be in danger. He recalled that the question was not one of establishing a frontier, but of tracing a provisional demarcation line in accordance with the resolution of the Council of May 17th, 1922. It was necessary to render available without delay the Grodno-Vilna railway, which was situated in the region occupied by Lithuanian bands. This line was of capital importance for the resumption of the economic relations of Europe with Russia. Since this region could not be attributed to Lithuania, he had proposed in his project its attribution to Poland. In order to put a stop to the present state of things, it was essential to divide the neutral zone. The proposed demarcation line in the other sectors was the line which existed in fact between the irregular bands, and from which the belligerent troops had retired on the establishment of the neutral zone.

The President stated that the two theses before them were very remote from each other.

On the motion of the President, the Council decided that it would deliberate at a private sitting.

PROTECTION OF THE NON-POLISH ELEMENTS IN THE VILNA REGION.

M. Hymans recalled the form in which the question had been submitted to the Council.

M. Askenazy read a declaration.

M. Sidzikauskas read a declaration, proposing the despatch of a permanent commissioner to the Vilna region and of a commission of enquiry.

M. Hymans proposed the adoption of the proposal contained in the declaration of the representative of Poland.

M. Sidzikauskas opposed the Polish proposal for reasons contained in Annex . He maintained his request for the despatch of a commission of enquiry and a permanent commissioner of the League of Nations to Vilna.

The Council adopted this proposal in the following form :—

“ The Council decides that all questions relative to the protection of non-Polish elements in the Vilna region shall be brought before and dealt with by the League of Nations, in conformity with the normal procedure applicable in virtue of the rules established by the Treaty of Minorities of June 28th, 1919, without modifying in anything the terms of the recommendation of the Council of January 13th, 1919, on the territorial question.”

XVI.

MEMORANDUM SUBMITTED BY THE PRESIDENT OF THE LITHUANIAN DELEGATION AT THE SITTING OF THE COUNCIL OF THE LEAGUE OF NATIONS ON FEBRUARY 1ST, 1923.

MR. PRESIDENT AND GENTLEMEN,

I pass over in silence the inexact and tendencious allegations of the Polish Delegate relative to the situation of ethnic minorities in Lithuania, as this is not the object of our deliberations to-day. I have only to declare that the instruments of ratification of the declaration of the minorities will shortly be placed before the Secretariat of the League of Nations.

The Lithuanian Delegation takes the liberty of confirming the declarations which it has had the honour to make at previous sessions of the Council. This attitude of the Lithuanian Government is based upon reasons of an important and juridical nature as well as upon reasons of a practical character.

1. There exists in the contested territory a demarcation line between Lithuania and Poland—that which was established under the auspices of the League of Nations by the Treaty of Suvalki, signed by the Polish and Lithuanian Governments. Poland has violated this treaty; Polish troops, commanded by General Zeligowski, crossed the said line of demarcation. Nevertheless this act of force, in the opinion of the Lithuanian Government, could not invalidate in any respect the rights which accrue to Lithuania from the Suvalki Treaty. The neutral zone is the result of General Zeligowski's *coup de*

force. The Lithuanian Government gave its assent to the creation of this zone solely for the purpose of facilitating for Poland the evacuation of the Vilna Territory by the troops of the rebel General. The neutral zone was thus only a provisional arrangement destined to disappear on the very day when the legal situation in the Vilna Territory, established by the Suvalki Treaty, should be re-established. The acceptance by the Lithuanian Government of any division whatsoever of the neutral zone or of the tracing of an administrative line would be equivalent to the recognition of the *de facto* situation created as the result of the *coup de force* in spite of the treaty signed by Lithuania and Poland. The sole possible demarcation line between Lithuania and Poland is that established by the Suvalki Treaty with the voluntary assent of the two parties, and the Lithuanian Delegation has the honour to reiterate to the Council its earnest request that it should be so good as to draw the Polish Government's attention to the urgent necessity for the execution of the Suvalki Treaty, which offers a serious basis for the solution of the difference which at present divides Lithuania and Poland.

2. The Lithuanian Delegation highly appreciates the anxiety of the Council of the League of Nations to mitigate the sufferings of the population inhabiting the neutral zone. Nevertheless, the Lithuanian Delegation is profoundly convinced that the tracing of an administrative line in the middle of the neutral zone, or even the eventual division of this zone, is little calculated to ameliorate the fate of the unhappy population exposed to perpetual attacks and pillage on the part of Polish bands and soldiers camouflaged as so-called militia of the neutral zone or disguised in civilian dress. The situation in the Suvalki neutral zone, where a demarcation line exists, is proof of this. The fact is besides confirmed by M. Saura in his report to the Council. If the Council of the League of Nations considers it to be impossible at the present time to compel Poland to fulfil the Suvalki Treaty, which she signed of her own free will, there would exist, in the opinion of the Lithuanian Delegation, only two means of rendering life supportable in the neutral zone: (1) either the Polish Government should decide to change its attitude with respect to Lithuania and cease to organise bands who maltreat the population for the purpose of making the situation intolerable in the neutral zone and thus forcing the High International Institutions to undertake the suppression of this zone, which would be tantamount to a legalization and a stabilisation of the present state of things created by Zeligowski's *coup de force*, or (2) the Council of the League of Nations should be good enough to send to Vilna its High Commissioner to whom would be entrusted, among other functions, the duty of protecting the population of this neutral zone.

Consequently the Lithuanian Delegation has the honour to declare, in the name of its Government, that it finds it impossible to accept any division whatsoever of the neutral zone or to discuss the eventual tracing of an administrative demarcation line other than that of Suvalki.

XVII.

(Translation.)

RESOLUTION OF THE COUNCIL OF THE LEAGUE OF NATIONS OF FEBRUARY 3RD, 1923, SUBSTITUTING A DEMARCATION LINE FOR THE NEUTRAL ZONE IN THE VILNA REGION.

THE COUNCIL OF THE LEAGUE OF NATIONS,

After having taken cognisance of the report of M. Saura, prepared in fulfilment of its resolution of May 17th, 1922, as also of the oral and written observations of the representatives of the Lithuanian and Polish Governments on the subject of the establishment and of the laying out of a demarcation line in the neutral zones;

In view of the necessity of putting an end without delay to the state of disorder and insecurity which at present reigns in those zones, originally instituted on the initiative of the Military Commission of Control and by authority of the Council;

The Council formulates the following recommendation:

From February 15th next the two interested Governments shall respectively have the right to establish their administrations in the portions of the neutral zones defined as follows:

A.—The Polish Government shall administer:

Firstly, in the region traversed by the Grodno-Vilna railway line, all localities situated in the neutral zone, as far as and including, to the north, the localities of Kolpanasziski, Uzeleje, and Skobska;

Secondly, more to the north, all the localities indicated in the Saura report as bound to be submitted to the provisional administration of Poland;

B.—The Lithuanian Government shall administer:

Firstly, to the north of Kolpanasziski, Uzeleje and Skobska all the localities indicated in the Saura report as bound to be submitted to the provisional administration of Lithuania;

Secondly, in the region situated to the north of Janiszki and Orniany, all the localities where a neutral zone has actually been established since December 17th, 1920.

C.—In the said region of Suwalki, the Polish and Lithuanian administrations shall retain the actual positions which they occupy at this date.

The demarcation thus defined shall retain the provisional character contemplated by the recommendations of the Council of January 13th and May 17th, 1922, the territorial rights of the two States remaining entirely reserved;

The Council reminds the two Governments of their solemn engagement to abstain from any act of hostility and invites them to employ all the means at their disposal to disarm and dissolve the irregular formations in the localities where their right of establishing their provisional administration is recognised;

And declares that the present recommendation, the object of which is the pacification of a severely tried region, is its final recommendation on the question submitted to its deliberation.

XVIII.

(Translation.)

DECLARATION MADE BY THE LITHUANIAN DELEGATION AT SITTING OF THE COUNCIL OF THE LEAGUE OF NATIONS, FEBRUARY 3RD, 1923.

MR. PRESIDENT,

Having taken cognisance of the draft resolution of the Council relative to the division of the neutral zone, the delegation of Lithuania has the honour to make the following declaration :

No conflict on the subject of the division of the neutral zone or of the laying down of an administrative line has ever been submitted by the Lithuanian or Polish Government to the arbitration or to the solution of the Council of the League of Nations. Even if this had been the case, the Council could only formulate a recommendation for the acceptance of the two parties, as it did on the Vilna question and that of Zeligowski's *coup de force*. The question of the division of the neutral zone is raised on the initiative of the Council itself and the Lithuanian Government has never ceased to declare that it will not accept any modification in the neutral zone and that it demands the establishment of the demarcation line fixed by the Treaty of Suwalki. The neutral zone in the contested territory of Vilna was established by virtue of an act of the two Governments (Convention of Kovno of November 30th, 1920) and no modification whatever could be introduced into this act without the consent of the two Governments. The Delegation of Lithuania is of opinion that the Covenant of the League of Nations does not confer upon the Council the right to adopt decisions or to pronounce an arbitral award in the present case, and that there is no cause to formulate on the question of the neutral zone a final recommendation of the Council, no conflict on this subject having been brought before the Council by the interested parties.

May the Delegation of Lithuania be permitted to express the opinion that the imperative character of the draft resolution, as also the terms in which it is couched, for example, "The Council decides" . . . "The Polish Government shall administer," etc., present a certain danger, as tending to give rise to erroneous interpretations. It is evident, Gentlemen, that if Poland should attempt to modify in the neutral zone the situation established by the Convention which I have cited, the Lithuanian Government would find itself compelled to resist by all means and in the most energetic manner. The Delegation also has the honour to declare, in the name of its Government, that it is not possible for it to accept or to recognise the modifications contemplated for the neutral zone and contained in the Resolution of the Council.

XIX.

(Translation.)

TELEGRAM FROM THE LITHUANIAN GOVERNMENT TO THE LEAGUE OF NATIONS CONFIRMING THE LITHUANIAN DELEGATION'S DECLARATION AGAINST THE DIVISION OF THE NEUTRAL ZONE.

SIR ERIC DRUMMOND,
League of Nations, Geneva.

MR. SECRETARY-GENERAL,

As a consequence of the declaration made by its delegate Mr. Sidzikauskas, at the sitting of the Council, February 3rd, 1923, relative to the neutral zone, the Government of the Lithuanian Republic has the honour to bring to the knowledge of the Council that it is impossible for it to accept and to recognise the modifications envisaged for this zone and contained in the resolution of the Council, for the reasons

explained in our letter No. 9291 of April 8th, 1922, addressed to the President of the Council of the League of Nations.

The Lithuanian Government remains convinced that only the re-establishment in the contested territory of Vilna of the legal situation defined by the Treaty of Suvalki is susceptible of bringing about a relaxation in the relations of Lithuania and Poland.

Considering that the creation of the neutral zone arises from the fact of the violation of the Treaty of Suvalki and the *coup de force* of Zeligowski;

Considering that no question concerning the division of the neutral zone and the laying down of an administrative line has even been submitted by the Lithuanian or Polish Government to the Council by the means contemplated in the Covenant of the League of Nations.

The Lithuanian Government considers as being contrary to the stipulations of the Covenant the resolution adopted by the Council on February 3rd relative to the division of the neutral zone, as also the interpretation which Monsieur le Président of the Council of the League of Nations gives as to its application.

Consequently the Lithuanian Government takes the liberty of begging the Council to be good enough to submit to the decision of the Permanent Court of International Justice the following two questions:—

1st. Considering the circumstances mentioned in our observation No. 2, could any recommendation whatever, in the terms of the Covenant, be made by the Council, and in the event of an affirmative reply on the first point, do the terms of the recommendation conform to the Covenant?

2nd. Does the Covenant of the League of Nations confer the right upon one party to apply the recommendation formulated by the Council, considering the opposition of the other party?

The Lithuanian Government reserves the right to submit to the Permanent Court of International Justice explanations in support of its juridical point of view.

I beg you to accept, Mr. Secretary-General, the assurances of my high consideration.

(Sgd.) GALVANAUSKAS,
President of the Council,
Minister for Foreign Affairs.

No. 137,
Kaunas, February 10th, 1923.

XX.

TELEGRAM OF FEBRUARY 15TH, 1923, FROM THE LITHUANIAN MINISTER FOR FOREIGN AFFAIRS TO THE PRESIDENT OF THE COUNCIL OF THE LEAGUE OF NATIONS REGARDING COMPLICATIONS IN THE NEUTRAL ZONE EVOKED BY POLISH CONCENTRATION OF TROOPS.

have the honour to call Your Excellency's attention to the danger of immediate complications resulting from the recommendation of the Council of the League of Nations of February 3rd relative to the division of the neutral zone. Encouraged by the Council's recommendation, the Poles are concentrating troops near the zone, which indicates a project for an operation of broad scope constituting a danger of an extension of the invasion into Lithuanian territory. Regular Polish troops last night penetrated into the neutral zone and occupied Puskarnia. The Lithuanian Government is compelled to decline all responsibility for grave complications that may result therefrom through the establishment of a demarcation line which has not been accepted by the Lithuanian Government and which tends to confirm the Zeligowski *coup de force*. I earnestly beg Your Excellency to take expedient measures to avert an extension of the conflict. Please accept, Your Excellency, the assurance of my high consideration."

XX(a).

TELEGRAM OF FEBRUARY 18th, 1923, DESPATCHED BY THE LITHUANIAN MINISTER FOR FOREIGN AFFAIRS TO THE PRESIDENT OF THE COUNCIL OF THE LEAGUE OF NATIONS.

I have the honour to communicate to Your Excellency continuation of grave events announced in preceding telegrams. Contrary to all resolutions of the Council regular Polish Army of all arms having entirely occupied the neutral zone in region of Orany has passed the latter and opened hostilities against Lithuanian troops and pursues advance on territory administered by Lithuanian Government. Dozens killed and hundreds wounded on both sides. We have Polish officers and men prisoners. We beg urgently to assemble Council to prevent extension of the conflict and to apply sanctions against Poland.

(Signed) GALVANAUSKAS.

XXI.

*(Translation.)*TELEGRAM FROM THE LITHUANIAN MINISTER FOR FOREIGN AFFAIRS
TO THE PRESIDENT OF THE COUNCIL.

Kovno, 4.15 p.m., February 23, 1923.

Following our telegram of February 18th, I have the honour to inform Your Excellency that Polish Regular Forces, after advancing beyond the line of demarcation, occupied, on February 20th, the following places near Seiny on territory administered by the Lithuanian Government :—Rachelany, Honlem-ejera, Kalwiszki, Janoslaw, Holnywolmera and Dusznica. In the Orany district they have also advanced beyond neutral zone and occupied Jakiance, Zilinki, Smoluki, Solomianka, Spengleniki and Dowgieliszki, thus forcing Lithuanian Government to take steps to ensure respect for its territory. In the same district, the forces mentioned continue to occupy the following places on territory administered by Lithuanian Government :—Dmitrowska, Podkamien and Kalance.

(Signed) GALVANAUSKAS.

XXII.

*(Translation.)*TELEGRAM FROM THE PRESIDENT OF THE COUNCIL OF THE LEAGUE
OF NATIONS, FEBRUARY 22ND, 1923, TO THE LITHUANIAN
GOVERNMENT.

GALVANAUSKAS,
Minister for Foreign Affairs,
Kovno.

Paris, 7/045 211 22 10/58.

Have taken cognizance of telegram of Lithuanian Government, dated 18th February, relative incident region Orany demanding extraordinary convocation of Council, as also of the two telegrams of Polish Government, dated February 17th, relative to concentration of Lithuanian irregular forces and to engagement in region of Grodno-Vilna Railway. While awaiting complementary information demanded by Secretary-General am persuaded to be interpreter for all my colleagues in reminding the two Governments of solemn engagement taken by them before the Council January 13th 1922 to abstain from all hostile acts and drawing their attention to the importance for the maintenance of peace not to infringe or exceed the express terms of the recommendation of the Council of February 3rd, 1923. Am communicating present message to all my colleagues. Trust that I shall be able very shortly to give them assurances which I am expecting immediately from the two Governments of their sincere will to avert all danger of hostilities. These assurances should be given in any case, above all if the circumstances should compel an extraordinary meeting of the Council to be held, which, as you know, signified to the parties on the day of the recommendation, February 3rd, that if the conditions were infringed by them it would assemble in order to consider the character of the accomplished acts.

VIVIANI,
President of the Council of League of
Nations.

XXIII.

TELEGRAM FROM THE LITHUANIAN PRIME MINISTER AND MINISTER FOR FOREIGN
AFFAIRS TO THE PRESIDENT OF THE COUNCIL OF THE LEAGUE OF NATIONS
ON THE QUESTION OF THE DIVISION OF THE NEUTRAL ZONE, IN REPLY
TO THE PRESIDENT'S TELEGRAM OF FEBRUARY 22ND 1923.

PRESIDENT, COUNCIL,
League of Nations, Geneva.

In reply to telegram of Your Excellency of 22nd inst., I have the honour to declare that since the commencement of the Lithuanian-Polish conflict the Lithuanian Government has given the Council of the League of Nations many proofs of its sincere desire to avoid all armed conflict and to arrive at a pacific solution of the difference dividing the two countries. In declining the recommendation of the Council of February 3rd concerning the division of the neutral zone, the Lithuanian Government was guided as much by the necessity of avoiding all sanction, even indirect, of the *coup de force* of Zeligowski

as by the provision that this division, very far from diminishing the danger of hostilities, would but augment it. This provision, arising from the experience of the past, Poland having many times violated different lines of demarcation established between her and Lithuania, has been unhappily confirmed by events. Encouraged by the attitude of the Council declaring its recommendations valid despite the refusal of the Lithuanian side, the Polish Government has taken possession of several districts of the zone and had even infringed the recommendation of the Council of May 17th, 1922, by introducing troops into the territory and by crushing by arms the resistance of the population hostile to the occupation. Moreover, regular Polish troops have at several points indicated in our telegram of the 23rd instant penetrated into Lithuanian territory and attacked our troops. Further, in the region of Suvalki the Poles have introduced their troops into the neutral zone and have there occupied the following new points in territory situated under Lithuanian administration: Polunce, Przystawance, Berezniki, Trompole and Jeglinice.

I hope that, under these conditions, the Council will admit that the danger of hostilities does not in any way proceed from the Lithuanian side but that it rests entirely in the attitude of the Polish Government. The Lithuanian Government can nevertheless assure the Council that it remains imbued with the sincere desire to avoid an armed conflict with Poland.

GALVANAUSKAS,

President of the Council,
Minister for Foreign Affairs.

Kaunas, *February*, 27, 1923.

XXIV.

TELEGRAM OF MARCH 5TH, 1923, FROM PRESIDENT OF THE COUNCIL OF THE LEAGUE OF NATIONS TO THE LITHUANIAN MINISTER FOR FOREIGN AFFAIRS.

MINISTER FOR FOREIGN AFFAIRS,
Kowno.

Geneva, 8/12 130 5/3 15 15 nm.

I have taken cognisance of the replies to my telegram of the 22nd February transmitted by the two Governments of Lithuania and Poland. I note with satisfaction that the two sides have expressed the desire to avoid an armed conflict and I insist to the two Governments that they should confirm this pacific will in a spirit of mutual comprehension in conformity with that of the Covenant of the League of Nations of which they are both members. I am persuaded that the Polish Government will recall those of its agents who without evil intention may have passed the limits fixed by the recommendation of the Council and that on its part the Lithuanian Government will demand from its personnel the attitude of calm which the circumstances demand.

VIVIANI.

XXV.

(Translation.)

TELEGRAM FROM LITHUANIAN ACTING MINISTER FOR FOREIGN AFFAIRS,
MARCH 21ST, 1923, TO LEAGUE OF NATIONS.

SIR ERIC DRUMMOND,
League of Nations, Geneva.

March 19th Polish band 150 foot-soldiers 30 cavalry attacked and destroyed Lithuanian post opposite village Podlipki Lithuanian territory seven kilometres from Curzon line Alesi Kopciono killed five Lithuanian soldiers wounded one Virgule subsequently made irruption village Szairance stop Beg draw attention Council to Polish attacks.

KLIMAS,

Acting Minister for Foreign Affairs.
No. 271.

XXVI.

(Translation.)

MEMORANDUM SUPPLEMENTING AND EXPLAINING LITHUANIAN GOVERNMENT'S
TELEGRAM OF FEBRUARY 10TH, 1923, No. 123, WITH REFERENCE TO THE
LEAGUE OF NATIONS COUNCIL'S DECISION OF FEBRUARY 3RD, 1923, RESPECTING
DIVISION OF NEUTRAL ZONE BETWEEN LITHUANIA AND POLAND.

No. 3866.

Kaunas, *March 9th, 1923.*

MR. SECRETARY-GENERAL.

FOLLOWING the recommendation voted by the Council of the League of Nations, of February 3rd this year, on the question of the Vilna neutral zone, I had the honour, through my telegram of February 10th, No. 123, to beg the Council to be good enough to submit to the decision of the Permanent Court of International Justice two questions touching the interpretation of the Covenant, on the subject of which the Lithuanian Government is regretfully unable to share the opinion of the Council.

Not being yet at the moment in possession of the reports of the 23rd sitting of the Council, I reserved myself the right, in the same telegram, to present to the Court subsequent explanations in support of the Lithuanian point of view.

The aforesaid reports having arrived to-day, I would ask you herewith, Mr. Secretary-General, to be good enough to submit to the Council, on the occasion of its next sitting, the attached Memorandum containing the more detailed draft of the points set forth in my telegram of February 10th, which draft is substituted definitely for that of the aforesaid telegram.

Please accept, Mr. Secretary-General, the assurance of my high consideration.

(Sgd.)

E. GALVANASKAS,

President of the Council,
Minister for Foreign Affairs.

To His Excellency,

Sir Eric DRUMMOND,

Secretary-General of the League of Nations,
Geneva.

(Translation.)

TO THE COUNCIL OF THE LEAGUE OF NATIONS.

The Lithuanian Government finding itself in disagreement with the Council of the League of Nations on two points relative to the interpretation of the Covenant of the League of Nations, has the honour to submit the following :

I.

At the 13th public meeting of the 23rd session of the Council of the League of Nations, held at Paris on February 3rd, 1923, the Council adopted a recommendation dividing, between Lithuania and Poland, the administration of the neutral zone established in the Vilna territory by virtue of the Protocol of Kovno of November 29th, 1920, signed by the representatives of the two Governments and by the members of the Control Commission of the League of Nations. The Polish delegate accepted this recommendation. The Lithuanian delegate, however, protested, contesting the competence of the Council to pronounce on a question which had not been expressly brought to it by the parties. In fact, the question of the replacement of the neutral zone by a demarcation line was raised on the initiative of the Council itself, in its resolution of January 13th, 1922. The Lithuanian Government protested against this proposal, both immediately, through the medium of the Delegation, and subsequently, through the Notes of M. Jurgutis, Minister for Foreign Affairs of Lithuania, to the President of the Council of the League of Nations, dated January 21st and April 8th, 1922. Similarly, the Lithuanian Government, through the medium of its representative, M. Sidzikauskas, declared its inability to accept the resolution of the Council of May 17th, 1922, concerning the establishment of a provisional demarcation line traversing the neutral one for the civil and judicial administration of the communes which it comprises.

On the occasion of the discussion of the Council's proposal, during the preceding sessions, the Lithuanian Delegations pointed out the peremptory reasons which prevented it from acceptance. The Protocol of Kovno of November 29th, 1920, providing the creation of the neutral zone, was signed by the Lithuanian Government only in order to facilitate the evacuation of the invaded territory by General Zeligowski's troops. That Protocol could not, therefore, be regarded as a modification of the Suvalki Agreement. The partition of this zone or of its administration between Lithuania and Poland would

assume quite another meaning, even if the title were only provisional; despite all the reservations of the Council of the territorial rights, such a partition would not fail to assume the character of a renunciation of the engagement of Suvalki and of a legitimization of the state of things created by General Zeligowski's *coup de force*—a renunciation and legitimization to which the Lithuanian Government evidently could not subscribe. The Lithuanian Government had further experienced that the establishment of a demarcation line in the neutral zone would in no way improve the situation of the population, which is proved by the state of things in the Suvalki province, where the line established is being continually violated by the Poles. In presenting these explanations, due to its deference to the Council, the Lithuanian Government had never intended to recognise the Council's competence to impose upon Lithuania a solution, contrary to its interests, of an incidental question which had not been expressly brought before the League of Nations. The fact that it was the Control Commission sent by the Council which took the initiative in the creation of the neutral zone—a fact cited by H.E. Mons. Hymans at the sitting of February 3rd—could not confer upon the Council a competence to modify the Kovno Protocol of November 29th, 1920, which could not be regularly modified save as the result of an understanding between the two Governments of Lithuania and Poland.

It should be remarked, moreover, that the resolution of the Council dated January 13th, 1922, apparently is not intended to be imposed upon the parties. It reads in effect :

"The Council considers that after the withdrawal of the Military Commission, there is room, in virtue of a *modus vivendi*, to substitute for those neutral zones a provisional demarcation line, it being understood that the territorial rights of the two States remain entirely reserved. It invites the representatives of the two Governments to accept this solution. In that case it is ready to advise on the measures necessary for the fixation of this line on the ground."

The terms of the resolution of May 17th, 1922, also do not bear an imperative character :

"1. In view of the inconveniences that result from the maintenance between Poland and Lithuania of a neutral zone at present deprived of all regular administration;

"Considering that the recommendation of the Council of January 13th, 1922, tending to the suppression of this zone and the fixation of a provisional demarcation line established through a common agreement by the two interested Governments, has received the assent of the Polish Government, but that the Lithuanian Government has not deemed itself able to accept it :

"The Council considers that there is reason to maintain the neutral zone throughout its extent, from the military standpoint (the stationing and transport of troops and war material), but renews its recommendation as to the urgency of the establishment of a provisional demarcation line traversing the said zone, for the civil and legal administration of the communes comprised therein. In order to study the eventual tracing of this line, the Council has decided to send to the spot a commission, which will present a report."

It was only at the sitting of February 3rd, 1923, that the Council proclaimed clearly the obligatory character of its recommendation and, ignoring the protests of the Lithuanian representative, deemed itself competent to authorise each of the two Governments to assume the administration of a part of the neutral zone.

The Lithuanian Government would, therefore, wish to know the consultative opinion of the Permanent Court of International Justice on the following points :

Has the Council of the League of Nations, apprised of a dispute, in virtue of paragraph 1 of Article 15 of the Covenant, the right to make to the parties, on incidental questions which have not been expressly brought before it, recommendations having the force of reports of the Council mentioned in paragraphs 4, 6 and 7 of the same Article 15?

The second point on which the Lithuanian Government would desire to know, through the intermediary of the Council, the consultative opinion of the Permanent Court of International Justice concerns the obligatory force of a resolution of the Council rendered under the conditions of paragraph 6 of Article 15, for the party who does not accept this resolution. The necessity for such a consultation seems to be imposed upon the Lithuanian Government as the result of the interpretation given to this article by the Council of the League of Nations during the sitting of February 3rd, 1923, and which is also rendered in the Report of the 13th public sitting of the 23rd Session.

"The recommendation is adopted by the Council and accepted by the representatives of Poland, but is not accepted by the representatives of Lithuania. The President declares that the recommendation is valid in spite of the refusal of one of the parties, from the moment that

one of the parties, Poland, accepted it. If the Lithuanian Government resorts to violence, Article 16 then becomes applicable. M. Sidzikauskas declares that in his opinion the recommendation of the Council is applicable only if it is accepted by both parties.

"Lord Balfour approves, in a general way, the point of view of the President, but the application of Article 16 raises important juridical and other problems upon which he desires to consult his Government. The Council should be convoked if a new situation should arise and before a decision can be adopted on the question of the application of Article 16. The Council approves the point of view of Lord Balfour."

In the first place, therefore, the President of the Council of the League of Nations has proclaimed that a recommendation of the Council is valid, in spite of the refusal of one of the parties, from the moment that the other has accepted it, and Lord Balfour, as well as all the Council, approved the point of view of the President.

In the second place, the President of the Council was of the opinion that if the Lithuanian Government should resort to violence, Article 16 would become applicable to it. On this opinion the Council, following Lord Balfour, reserved its opinion.

The Lithuanian Government regrets its inability to share both the first opinion of the eminent President, sustained by the Council, and the second, which is peculiar to him, and this for the following reasons:

1. The report of the Council unanimously accepted by its members other than the representatives of the parties, has not, in the opinion of the Lithuanian Government, an obligatory force for the party which has not accepted it. Indeed, paragraph 6 of Article 15 of the Covenant declares only that "the Members of the League pledge themselves not to resort to war against any party who conforms to the conclusions of the Report." On the other hand, paragraph 4 of Article 13 of the Covenant, which deals with the execution of arbitral and legal sentences, declares: "The members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto."

The difference between these two texts is obvious. In the first place, Article 13 contains the obligation for the Members to carry out arbitral or legal awards, whilst paragraph 6 of Article 15 does not include the obligation for the parties to agree to a resolution of the Council, even if it is adopted unanimously. In the second place, when for arbitral and legal awards the Council in such cases takes the initiative in measures calculated to guarantee the carrying out thereof, the decisions of the Council unanimously adopted have no other sanction than the obligation of the Members of the League not to resort to war against the party who agrees to these decisions.

Thus, a report of the Council adopted under conditions of paragraph 6 of Article 15, only gives to the party who wishes to conform thereto the security of not risking war with a member of the League of Nations other than his adversary, on condition, of course, that his action is taken in conformity with the Covenant, and that it does not exceed the conditions of the Council's resolution. Consequently, by virtue of paragraph 1 of Article 12, the party who agrees to a decision of the Council could not legally begin war against his adversary before the expiry of three months after this decision. And the war itself, in such case, could provoke the intervention of the League based upon Articles 10 or 11 of the Covenant.

As regards the party who refuses to agree to the report of the Council, the Covenant in no way forbids him resistance to the action of the party who agrees thereto; it only creates conditions unfavourable to this resistance by guaranteeing to the party who agrees to the recommendations of the report a benevolent neutrality on the part of the Members of the League of Nations. The freedom of action of the party who does not accept the recommendations of the report of the Council is only restricted by line 2 of paragraph 1 of Article 12 of the Covenant, which states: "They (all the members of the League . . .) agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council."

2. Since the war undertaken by the party who does not agree to the recommendations of the Council's report, against his adversary, is lawful, under the above-established conditions, it follows that recourse to such war could not justify the application of Article 16 of the Covenant to that party.

Indeed, Article 16 of the Covenant begins as follows: "Should any member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League." In the opinion of the Lithuanian Government, recourse to war in the case contemplated not being contrary to any of the articles cited, the State which should resort thereto would not, therefore, have committed a breach of the Covenant and the sanctions of Article 16 would not be in any way applicable to it.

The second point on which the Lithuanian Government would wish to know the consultative opinion of the Permanent Court of International Justice is consequently the following :

Are the recommendations of a report of the Council of the League of Nations voted under the conditions of paragraph 6 of Article 15 of the Covenant of the League of Nations and accepted by one of the parties obligatory for the other party who does not accept them, and does the latter party's recourse to war, after the delay fixed by Article 12 of the Covenant, against the party who agrees to the report expose it to the sanctions of Article 16?

Paragraph 3 of Article 14 of the Covenant of the League of Nations states : " The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly."

The Lithuanian Government regrets being in disagreement with the Council on two points regarding the interpretation of the Covenant of the League of Nations and concerning firstly the competence of the Council to take cognisance of incidental questions which have not been expressly submitted to it, and, secondly, the obligatory force of a report of the Council unanimously voted by its members, for the party which declares that it does not accept it. Seeing that the Covenant permits only the Council or the Assembly to ask the Permanent Court for advisory opinions, the Lithuanian Government must beg the Council to be good enough to transmit to the Court the present Memorandum and solicit its opinion on the two points explained above, *i.e.* :

1. Has the Council of the League of Nations, to which a dispute has been referred by virtue of paragraph 1 of Article 15 of the Covenant, the right to make to the parties, on incidental questions which have not been expressly submitted to it, recommendations having the force of reports of the Council mentioned in paragraphs 4, 6, and 7 of the same Article 15?

2. Are the recommendations of a report of the Council of the League of Nations, voted under the conditions of paragraph 6 of Article 15 of the Covenant of the League of Nations and accepted by one of the parties obligatory for the other party who does not accept them, and does the recourse of the latter party to war, after the interval fixed by Article 12 of the Covenant against the party who agrees to the report, expose it to the sanctions of Article 16?

The Lithuanian Government at the same time reserves the right to present to the Court, if necessary, through the intermediary of the Council, all further explanations in support of its point of view.

XXVII.

(Translation.)

DECISION OF MARCH 15TH, 1923, OF THE CONFERENCE OF AMBASSADORS ON THE SUBJECT OF THE FRONTIERS OF POLAND.

The Britannic Empire, France, Italy and Japan, signatories with the United States of America, as the Principal Allied and Associated Powers, of the Treaty of Peace of Versailles;

Considering that in the terms of Article 87, paragraph 3 of the said Treaty, it pertains to them to fix the frontiers of Poland which have not been specified by this Treaty;

Considering that the Polish Government, on February 15th, 1923, addressed to the Conference of Ambassadors a demand that the Powers which are here represented should make use of their rights which the said article confers upon them;

That, on its side, the Lithuanian Government has already, through its Note of November 18th, 1923, shown solicitude to see the said Powers make use of the said rights;

Considering that under the terms of Article 91 of the Treaty of Peace of St. Germain-en-Laye, Austria has renounced, in favour of the Principal Allied and Associated Powers, all her rights and titles over the territories which formerly belonged to the old Austro-Hungarian Monarchy, and which, situated beyond the new frontiers of Austria, such as they are described in Article 27 of the said Treaty, are not at present the object of any other attribution;

Considering that it is recognised by Poland that as regards the eastern part of Galicia the ethnographic conditions necessitate a *régime* of autonomy;

Considering that the Treaty concluded between the Principal Allied and Associated Powers and Poland, on June 28th, 1919, has contemplated for all the territories placed under Polish sovereignty special guarantees in favour of minorities of race, language and religion;

Considering that as regards her frontier with Russia, Poland has entered directly into relation with that State with a view to determining the tracing;

That as regards the frontier of Poland with Lithuania, there is cause to consider that situation of fact resulting, especially, from the resolution of the Council of the League of Nations of February 3rd, 1923;

Have charged the Conference of Ambassadors with the settlement of this question.

In consequence, the Conference of Ambassadors :

1. Decides to recognise as frontiers of Poland :

1st with Russia :

The line traced and marked out agreed between the two States and under their responsibility, November 23rd, 1922.

2nd with Lithuania :

The line below described (according to the German map 1 : 100,000) :

From the point where the northern administrative limit of the district of Suwalki meets the frontier of Eastern Prussia (a point common to Eastern Prussia, Poland and Lithuania) and as far as the point most to the south of the re-entering of the limit of the district of Suwalki, a point situated about 7 kilometres to the N.W. of Punsck, the northern administrative limit of the district of Suwalki.

Thence towards the S.E. as far as a point of the Berzniki-Kopciowa road situated about 2 kms. to the S.E. of Berzniki.

A line to be fixed on the ground leaving Punsck to Poland, crossing Lake Galadusya from its N.W. extremity as far as a point situated about 2 kms. to the north of Zegary, then proceeding towards the East, then parallel to the line of small lakes situated between Berzniki and Zegary, about 2 kms. to the east of these lakes.

Thence as far as a point about 2 kms. 500 to the east of Zeima on the Marycha, a line to be fixed on the ground.

Thence below the stream of the Marycha as far as the confluence of a small affluent situated on the left bank of this river and immediately above the Sztudjanka.

Thence a line to be fixed on the ground as far as the source of the river Igopka, then the course of this river which passes to Warwischki as far as its confluence with the Niemen.

Thence below the course of the Niemen as far as the confluence of the river Grawe; thence, the river Grawe as far as a point where it intersects with the high road Merecz-Rudnica (Rotnica);

Thence a line to be fixed on the ground as far as the confluence of the river Skroblis with the river Mereczanka.

Thence the course of the Mereczanka, as far as a point about 800 m. to the south-east of Podkamien.

Thence and as far as Hill 142, about 2 kms. to the N.E. of Strzelciszki.

A line to be fixed on the ground leaving in Lithuania the localities of Podkamien, Karpisazki, Strzelciszki, in Poland those of Bortele, Kukle, and passing through the intersection of the roads proceeding from Bobryski to Olkeniki and from Orany to Wojtowo on the railway from Grodno to Vilna.

Thence and as far as a point to be fixed on the stream of the Vilija about 500 metres to the west of Surmance, a line to be fixed on the ground leaving in Lithuania the localities of Kalance, Spengleniki, Gieceniszki, Uzylejem, Prybance, Greczowka, Wismance, Jagielany, Dergiance, Kopciszki, Zailgi, Chwoszna, Niedzwiedowka, Janczyny, Daniliszki, Jerzowka, Nowy Dwor, Promislowka, Walakiszki, Kurkliszki, Kalejkiemie, Wiluniszki, Kiermanczyszki, Bialolesie and Owsieciski, and leaving in Poland the localities of : Wojtowo, Viv-Puskarnia, Czarnokewale, Kol-Lejpuny, Wejksztelance, Ejgielance, Markowszna, Skobska, Wizgirdy, Dombrowo, Dezbniaki, Stanislawowka, Kotysz, Staskuniszki, Lebiedzie, Mejluszki, Podworance, Glity, Piektoniszki, Kiermeliszki, Kudrany, Poniewese, Majdany, Miciuny, Lojzizmu, Mejryszki, Borcie, Jateluny, Puzanowo, Kazimirowka and Surmance.

Thence, the stream of the Vilija as far as a point situated about 1 km. 200 to the south of Sejmienski.

Thence and as far as a point to be fixed at the south-west extremity of Lake Oswie to the south of Zoltynie.

A line to be fixed on the ground, leaving in Lithuanian territory the localities of : Sejmienski, Kliszebloto, Podozierce, Pojodzie, Pospierze, Kejmince, Skietery, Olinovo, Pory, Kontromiszki, Kiele, Awizance, Nieczance, Borowy, Olany, Palki, Ollis, Okmiana, Tonvkiele, Alexandryszki, Gawejki, Zoltynie; and in Polish territory the localities of : Podworance, Podgajem, Drawcze, Mejluny, Papiernia, Bortkuski, Uzyblindzie, Lipowka, Poblyndzie, Zyndule, Astyki, Szelkowszna, Romaskance, Pogiry, Borowka, Sontoki, Pulstylki, Rudejki, Stolewszna, Zemnviszki, Smilgi, Ganvejki, Sidabry;

Thence, a line traversing Lake Oswie as far as a point to be fixed on its N.E. shore to about 1,500 metres to the S.E. of Olka. Thence and as far as a point to be fixed on the southern shore of Lake Prowa to the east of Surgance;

A line to be fixed on the ground, leaving in Lithuanian territory the localities of : Olka, Lake Boloma, Labejszski, Mlynek, Janiszki, Szerajkiszki, Surgance; and in Polish territory the localities of : Jankuniszki, Punviniszki, Szarmiszki, Maciejenva, Orniany, Skardze, Novosiotka, Grybiance.

Thence and as far as a point to be fixed on the southern shore of the lake on the border of which is situated Antolkony, and at 500 metres to the west of this locality a line to be fixed on the ground, leaving in Lithuanian territory the localities of : Madejki, Mazule, Szykaliszki, Andrulance, Skukowschtschisna, Shemeityschki, Prudisceki, Polukno, Poshenis, Shnvirelishki, Rot-Sidorischki, Mineischany; and in Polish territory the localities of : Maldiuny, Rutonvschtschisna, Baranonvo, Antaledse, Bernjuny, Lyngujany, Antolkony.

Thence and as far as the frontier of Latvia, a line to be fixed on the ground proceeding towards the N.E., then towards the north, passing between Lake Boloschna and Lake Dringis and leaving in Lithuanian territory the localities of : Rot-Ashusseniz, Achromjanzy, Reipe, Ashany, Sadsjuny, Bolderenvuja, Suntupe, Kalnischki, Schablowisna, Muglischki, Junkokalne, Gutnono-Smolwy, Werugischki; and in Polish territory the localities of : Kosatschisna, Meiluny, Wardzinkime, Aliejuny, Sakischki, Roskemischki, Karatschuny, Smolwy, Paukschte-Lischki, Gut-Smolny (North), Dulzischki, Matelischki.

The tracing of this line on the ground is left to the care of the two interested Governments, which shall have all latitude to proceed, by common agreement, with the rectification of detail, which they shall recognise, on the spot, as indispensable.

II. Decides to recognize to Poland who accepts all rights of sovereignty on territories comprised between the above-defined frontiers and the other frontiers of Polish territory subject to the provisions of the Treaty of Peace of Saint-Germain-en-Laye concerning the charges and obligations incumbent upon States to which a territory of the old Austro-Hungarian Monarchy is transferred.

Done at Paris the Fifteenth of March, One thousand Nine Hundred and Twenty-three.

(Signed) ERIC PHIPPS. R. POINCARÉ.
ROMANO AVEZZANA. M. MATSUDA.

The undersigned, duly authorised, declares in the name of the Polish Government, that he accepts the foregoing provisions :

Done at Paris, the Fifteenth of March, One Thousand Nine Hundred and Twenty-three.

(Signed) MAURICE ZAMOYSKI.

XXVIII.

THE LITHUANIAN GOVERNMENT'S REPLY TO THE DECISION OF THE CONFERENCE OF AMBASSADORS OF MARCH 15th, 1923, CONCERNING THE POLISH-LITHUANIAN FRONTIERS.

REPUBLIC OF LITHUANIA : MINISTRY FOR FOREIGN AFFAIRS.

Paris, April 16, 1923.

To H.E. Mons. RAYMOND POINCARÉ,
President of the Council of Ministers,
President of the Conference of Ambassadors,
Paris.

MR. PRESIDENT,

THE Lithuanian Government has received, through the intermediary of its Representative in Paris, notification of the decision of the Conference of Ambassadors of March 15th, 1923, concerning the frontiers of Lithuania and Poland. To this decision it has the duty to oppose the most energetic protest.

The Powers represented at the Conference of Ambassadors base their right to fix the eastern frontiers of Poland upon Article 87 of the Versailles Treaty. This Article, however, obligatory for all the Powers signatory to the said Treaty, cannot have this character for the States which have not signed it. Consequently, Article 87 cannot confer upon the Allied and Associated Powers the right to fix the frontiers of Poland with Lithuania.

The Conference of Ambassadors has, moreover, a perfectly clear idea of this situation, since, as regards the Polono-Russian frontier, its decision obviously rests upon the Treaty of Riga, concluded by Poland with Russia of the Soviets, " considering," says the decision, " that as regards her frontier

with Russia, Poland has entered into direct relations with that State with a view to determining the line." On the other hand, as regards the Lithuanian-Polish frontiers, the Conference refers to the Lithuanian Government's note of November 18th, 1922, a note in which it seemed to see a voluntary submission of this Government to the decisions of the Conference taken by virtue of Article 87 of the Versailles Treaty. "That on its part," says the decision, of March 15th, "the Lithuanian Government has already, through its note of November 18th, 1922, shown itself anxious to see the said Powers make use of the said rights."

The Lithuanian Government protests in the most energetic manner against such an improper interpretation of its note of November 18th, 1922. It recalls that the note in question, dealing with the internationalization of the Niemen, demanded by the Powers, accepted the provisions of the Versailles Treaty concerning the system of navigation on that river, but attached the application of its engagement to the establishment of a state of peace between Lithuania and Poland. The note at the same time showed that the abnormal relations between the two countries were due solely to Poland's occupation of the Vilna Territory, in flagrant violation of the Suvalki Treaty of October 7th, 1920, an occupation censured in the most energetic terms by M. Léon Bourgeois, President of the Council of the League of Nations, in his letter of October 14th, 1920, addressed to the Polish Government. The note of November 18th, 1922, consequently declared that the system of navigation on the Niemen instituted by the Versailles Treaty would receive its application "as soon as Poland, who, despite her solemn engagements towards Lithuania, at present holds Lithuanian territories, shall have honoured her engagements towards Lithuania and shall thus permit the Lithuanian Government to establish relations of peace and amity with her."

These terms leave no doubt as to the firm resolve of the Lithuanian Government in no way to renounce its rights to Vilna. And it is immediately after this passage that the Lithuanian Government inserted the appeal of which the Conference of Ambassadors has made note: "To this declaration the Lithuanian Government wishes to add that it would be particularly grateful to the Allied and Associated Powers if, in order to hasten the advent of the era of peace and amity between Lithuania and Poland, those Powers would employ the right which Article 87 of the Versailles Treaty confers upon them and fix the eastern frontiers of Poland, *while bearing in mind the solemn engagements of that State towards the Lithuanian State, as well as the vital interests and rights of Lithuania.*"

The decision of the Conference of Ambassadors of March 15th unfortunately quotes only the first part of the declaration of the Lithuanian Government—that which shows it anxious to see the Powers use the right which is conferred upon them by Article 87 of the Versailles Treaty, a right which naturally presumes an understanding with the interested Powers non-signatory to the said Treaty. This decision omits to say in what terms Lithuania appealed to the Powers—terms which exclude all possibility of the least misunderstanding on the subject of the true intentions of the Lithuanian Government which, neither in this note, nor formerly, nor subsequently, has ever renounced any portion of the sacred rights of the Lithuanian nation to Vilna, nor attributed to any international instance the right of supremely deciding the fate of this national territory. In addressing itself to the Powers, the Lithuanian Government solicited their aid to reinstate it in its rights violated by Poland. It could not solicit them to invest with their sanction an obvious violation of international law.

The correctness of this assertion is strengthened by evidence from a brief résumé of the history of the procedure of conciliation instituted for the Vilna affair before the Council of the League of Nations, the Council in which sat the four Powers which subsequently deemed themselves able to dispose of Vilna through the intermediary of the Conference of their Ambassadors. The Lithuanian Government had never, during this procedure, accepted beforehand any decision whatsoever of the Council of the League of Nations settling the fate of Vilna without its consent. The only organ to whose decision it would very willingly have submitted its dispute with Poland was the Permanent Court of International Justice; it, therefore, made clear proposals on this subject to Poland who rejected them. But the Lithuanian Government would never have been able to rely entirely upon the decision of the Conference of Ambassadors, an assembly purely political, one member at least of which represented a Power allied with its adversary. If it has incidentally made an appeal to its aid, it has expressed this appeal in terms which in no wise permitted of seeing therein an abandonment of its rights into the hands of the Conference.

The latter, moreover, in its decision took advantage not only of Lithuania's incidental appeal for the re-establishment of violated right, but equally of the resolution of February 3rd, 1923, of the Council of the League of Nations. Through its resolutions of January 13th and May 17th, the Council had already recommended to the two parties the substitution of a provisional demarcation

line for the neutral zone created in the Vilna region, it being well understood that the territorial rights of the two States should remain entirely reserved. In spite of this reservation the Lithuanian Government nevertheless on each occasion opposed the substitution recommended by the Council; it foresaw indeed, that such a partition of the neutral zone might easily assume in the eyes of the world the character of a renunciation on its part of the Suvalki Convention and a legitimation of the state of things created by General Zeligowski's *coup de force*. And when, by its last decision of February 3rd, 1923, the Council claimed to *impose* its resolution, the Lithuanian delegate protested in the most energetic terms. The Lithuanian Government, on its part, approved its delegate and submitted to the Permanent Court of International Justice the question of ascertaining if the Council was competent to resolve on a point which had not been expressly brought before it by the parties.

It is, nevertheless, this resolution of the Council of the League of Nations which, in the second place, the Conference of Ambassadors invokes in order to legitimate its decision of March 15th, "considering," it says, "that as regards the frontier of Poland with Lithuania, there is cause to consider the actual situation arising particularly from the resolution of the Council of the League of Nations of February 3rd, 1923." Thus, the Conference has openly legitimated the actual state resulting from General Zeligowski's *coup de force*, officially censured by the Council of the League of Nations; it has gone beyond that portion of the recommendation of the Council itself, which expressly reserves the territorial rights of the two States; and it has retained of the decision of February 3rd, only the tracing of the frontier-line which formed the object of the most energetic protests of the Lithuanian delegate and of his Government. Lastly, it has invested the line in question with the permanent character which the Lithuanian Government precisely feared and which the Council equally repudiated.

As for the basis of the Polono-Lithuanian dispute, the Lithuanian Government ventures to remind the Conference (1) that it has deemed itself competent to dispose of a territory ceded to Lithuania by the Treaty of Moscow with Russia, a State whose signature has been implicitly guaranteed by the Powers as regards the Polono-Russian Treaty of Riga; (2) that the Council of the League of Nations, through its final recommendations of September 20th, 1921, had attributed sovereignty over the Vilna Territory, albeit under certain conditions, to Lithuania.

The Lithuanian Government lastly points out additionally that the decision depriving it of its capital was adopted by the Conference of Ambassadors in its absence and without its having even been asked to furnish the least explanations on this question affecting the most vital interests of Lithuania.

It is not in the power of the Lithuanian State forcibly to oppose the illegal occupation of the Vilna Territory by Poland, officially consecrated today by the Principal Allied and Associated Powers. Nevertheless, it raises before the entire world its most energetic protest against both this consecration of international injustice perpetrated by Poland and the terms themselves of the decision of the Conference of Ambassadors of March 15th, 1923, which represents it as having accepted beforehand this iniquitous decision. The Lithuanian Government solemnly declares that it does not recognize any authority in the decision of the Conference of Ambassadors, and that it maintains in all their integrity the rights of Lithuania over her ancient capital and the entire Vilna Territory.

I beg you to accept, Mr. President, the assurance of my very high consideration.

(Signed) E. GALVANAUSKAS,

President of the Council of Ministers,
Minister for Foreign Affairs of Lithuania.

XXIX.

VERBAL STATEMENT MADE BY THE LITHUANIAN MINISTER IN LONDON,
MR. T. NAROUSHEVITCH, AT THE FOREIGN OFFICE ON MARCH 16TH, 1923,
IN CONNEXION WITH THE ATTRIBUTION OF VILNA AND THE VILNA REGION
TO POLAND.

LITHUANIAN LEGATION,
10, Palace Gate.

"On March 15th last the Conference of Ambassadors in Paris signed a treaty with Poland according to which Vilna, the capital of Lithuania and its territory, with a Lithuanian population

have been attributed to Poland. In view of the gravity and importance of this decision, I take the liberty of drawing the attention of His Majesty's Government to the following considerations:—

" 1. The attribution of Vilna and the Vilna region to Poland, against the wishes of the inhabitants amounts to stultification of the Versailles Treaty, which purports to uphold the principle of self-determination, whereas the Vilna elections of January, 1922, effected under Polish military occupation, on the basis of which Poland subsequently created the *fait accompli* of annexation of the Vilna region, were pronounced by the League of Nations' own Control Commission (*vide* report of March 20th, 1922) no real or sincere expression of the desires of the entire population of the electoral territory.

" 2. The decision of the Conference of Ambassadors has the result of artificially and violently separating two parts of an organic national whole united for centuries. The inhabitants of Eastern Lithuania, now assigned to Poland, are detached from those of Western Lithuania, with whom they are ethnographically and economically identified, and together with whom in the past they have shed their blood in defence of a common national existence.

" 3. This decision creates a most unnatural situation, because through compulsory enlistment in the Polish army the Lithuanians of Eastern Lithuania will be forced to fight against their brethren of Western Lithuania in all armed collisions between Poland and Lithuania, should such occur in the future.

" 4. The decision of the Conference of Ambassadors, which sets aside the provisions of the existing Russo-Lithuanian Treaty, duly registered by the League of Nations, contradicts the objects of the Covenant of the League of Nations, which, *inter alia*, are 'to promote international co-operation, and to achieve international peace and security . . . by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another.'

" Considering what has been said, I venture to impress upon His Majesty's Government that the solution adopted by the Conference of Ambassadors cannot in the very nature of things be regarded as permanent or satisfactory. The Lithuanian people as a whole could never acquiesce in a settlement which, in their eyes, represents a crying injustice and virtually a denial of the principles for which the Allies, and with them the Lithuanians, fought the Great War. Speaking for the Lithuanian people, I can but express a fear lest, through the violence thus done to the most powerful instincts of racial self-preservation, the action taken by the Conference of Ambassadors, which sanctions the Zeligowski *coup de force*, should precipitate untoward events for which the Lithuanian nation must waive all responsibility."

XXX.

LEAGUE OF NATIONS.

COMMUNIQUÉ TO THE COUNCIL AND TO THE MEMBERS OF THE LEAGUE.

II (26250) 19704.

Geneva, March 27th, 1923.

HISTORIC SUMMARY PREPARED BY THE SECRETARIAT ON THE QUESTION OF THE NEUTRAL ZONES BETWEEN POLAND AND LITHUANIA.

I. CREATION OF THE NEUTRAL ZONES.

A. *Region of Suwalki*.—It was in the Suwalki region that, in September 1920, the Polish-Lithuanian dispute began; and it was there that the League of Nations, at the request of Poland, was first called upon to intervene. The Polish Government reproached Lithuania, at the moment when the armies of Soviet Russia were advancing towards the centre of Poland, with having allowed her troops to cross the line often styled the Curzon line, which had been designated as a provisional frontier by a declaration of the Allied Powers of December 8th, 1919. The Supreme Council of the Allies had, in fact, recognised Polish sovereignty to the west of this line; the claims of Poland to territories situated more to the east remaining reserved. The Lithuanian Government declared that it did not recognise this line, established by the Supreme Council of the Allies, without having been consulted or notified.

On September 20, 1920, the Council, in order to put an end to hostilities, recommended the two Governments, Lithuanian and Polish, "to adopt as a provisional demarcation line under reservation of all their territorial rights and awaiting the result of direct negotiations the tracing established by the Supreme Council of the Allies in the declaration of December 8th, 1919."

The Military Commission of Control sent to those places by the Council arrived on October 3rd at Suwalki, where the Polish and Lithuanian Delegations were assembled to negotiate a provisional *modus vivendi* between the two countries, while awaiting a definitive settlement of the question of the

frontiers. These negotiations resulted in the so-called Suvalki agreement signed on October 8th (?), 1920. (See Collection of Treaties, Vol. VIII., p. 180.) This agreement established the line of demarcation between the region of Lithuanian occupation and the region of Polish occupation; from the German frontier to the Niemen it coincided with the Curzon line, according to the recommendation of the Council of the League of Nations. It was expressly stipulated that this line "did not in any way prejudice the territorial rights of the two parties." In order to avoid the renewal of hostilities, which was to be feared if the adverse troops remained too directly in contact, the Military Commission of Control, immediately after the signature of the agreement, ordered the withdrawal of the troops 6 kilometres from either side of the Curzon line.

Thus there was formed, in the neighbourhood of the German frontier, a first neutral zone, or rather a demilitarised zone, since from the two sides of the demarcation-line the Poles and the Lithuanians retained the right to guarantee order by means of police forces, the regular armies alone being obliged to keep at a distance of 6 kilometres from each side. The line of December 8th never having been fixed on the ground, some localities situated on the Lithuanian side of the line have remained under Polish administration even after the signature of the Suvalki agreement. But between the theoretical line and the *de facto* line the divergence is not great, if one may believe the report of the Commission of Control of December 24th, 1921. The variation is caused chiefly in places where the declaration of the Allies of December 8th did not exactly define the line and speaks of a fixation on the ground. In its recommendation of February 3rd, 1923, the Council has restricted itself to declaring that in this region the Polish and Lithuanian administrations should retain the *de facto* positions which they actually occupied; there was not there, as farther eastward, a zone deprived of all administration and abandoned to chronic disorder, although it would be impossible to say that even there incidents had never arisen.

B. *Vilna Region*.—The entry of General Zeligowski and his troops into Vilna on October 9th, 1920, gave rise to a renewal of hostilities. In order to check the latter, a new agreement became necessary, intended not to replace that of Suvalki of October 8th, 1920, which in the eyes of the Lithuanians has always remained valid, but in order effectively to separate the two opposed armies; this is the protocol of Kovno, signed on November 29th, 1920, under the auspices of the Military Commission of Control (Collection of Treaties, Vol. IX., p. 64). It was then that there was created within the limits indicated by the Commission, which notified them to the two interested Governments through a Note of November 30th, a neutral zone commencing at a distance of about 10 kilometres to the north of the Orany station and extending towards the north-east as far as Janishki and Oriany. The breadth of this zone varies, because it was determined according to the nature of the ground and according to the situation resulting from engagements which had preceded the cessation of hostilities in its central portion; where it is cut by the river Vilija, it is reduced for a length of several kilometres, to the river itself.

In creating this neutral zone the Commission had in view only the military necessities of the moment; it hoped that an agreement would intervene at an early date to regulate the whole of the conflict. But this hope was not realised; a region deprived of any administration was thus substituted for more than two years for a length of about 130 kilometres with an average breadth of from 10 to 15 kilometres.

A little later, December 17th, 1920, the Commission of Control was led to prescribe the establishment of a second neutral zone to prevent any collision between the Lithuanian troops and the regular Polish troops advancing in the direction of Dvinsk during the hostilities between Poland and Soviet Russia. This zone extended from Orniany and Janishki to the neighbourhood of the Latvian frontier. Between this zone and the preceding one the Lithuanians have always made a distinction; they have never wished to recognise it officially because here they were confronted not by General Zeligowski but by official Poland, already bound, they said, by the Suvalki agreement. Nevertheless, this second neutral zone has been *de facto* respected on both sides. It does not appear to have been at any time the theatre of serious incidents; the region where disorders due to the action of armed bands has compelled the Council to contemplate, then to prescribe, a provisional administrative division is that which begins a little to the north of Orany and extends to Orniany and Janishki.

C. Between the Suvalki region, where there exists between the two Polish and Lithuanian administrations a demarcation line almost coinciding with the Curzon line, and the region of Vilna, where two neutral zones have been successfully established, stretched a distance of about 70 kilometres as the bird flies. From the confluence of the Niemen and the Igorka, the line fixed by the Suvalki agreement of October 8th, 1920, swerves at right-angles from the Curzon line in the direction of the

north-east; it has been respected on either side up to near the Orany station; it is farther to the east that it has been crossed by the Zeligowski troops.

There remains, between the Orany station and the commencement of the neutral zone, a space of a dozen kilometres which we have mentioned above. This portion of the territory has never formed a regularly established neutral zone. At the moment of the hostilities provoked by the offensive of General Zeligowski there were no troops there nor apparent danger, considering the swampy nature of the soil to the east of the railway line and the almost complete absence of roads. Until quite recently Poles and Lithuanians in this district kept at a respectful distance from each other. Regular Polish troops occupied the Orany station situated to the south of the said line "of Suvalki."

The Lithuanians having asked the Military Commission of Control, through a letter of June 23rd, 1921, to delimit the neutral zone in the Orany sector, while themselves proposing the positions which they wished to occupy, the Commission on July 4th, 1921, recognised their right to advance as far as a point which they had designated. Thus was established on the Lithuanian side a line of junction between the Suvalki line to the south and the commencement of the neutral zone to the north; this line passes a little to the east of the Orany borough, follows for some distance the stream of the Marezanka, then for a distance of about three kilometres a brook rejoining the western limit of the neutral zone.

Thus was established a small *de facto* neutral zone, but delimited only from the Lithuanian side. It was there that apparently the incidents giving rise to the Lithuanian Government's telegram of February 18th, 1923, arose. It is, nevertheless, probable that the Polish police forces which had advanced as far as Dmitrovka, a suburb of Orany, did not cross the line conceded to the Lithuanians by the Commission of Control on July 4th, 1921, but rather turned the line of demarcation which, since the Suvalki agreement, passed between Orany and the station of the same name, situated four kilometres to the south of the borough.

II.—THE QUESTION OF THE SUPPRESSION OF THE NEUTRAL ZONES AND THE ESTABLISHMENT OF A PROVISIONAL DEMARCATION LINE.

A. *Position of the Question.*

As long as the Military Commission of Control, originally sent by the Council of the League of Nations to stop hostilities in the region of Suvalki, remained on the spot, ready to intervene in case of need, it was to it that the incidents, unfortunately too frequently arising in the Vilna neutral zone, were reported, and it did its best, with the insufficient means at its disposal, to appease or limit them. When the withdrawal of the Commission was decided, it deemed it its duty to report to the Council the dangers which would result, in the absence of a definite agreement between Poland and Lithuania, from the maintenance of a zone deprived of any civil or military administration, without anybody to exercise any authority whatever and to resist disorders and violence.

In its final report on the Polish-Lithuanian conflict, of December 24th, 1921 (page 7), the Commission expressed itself thus:

"The prolongation for more than a year of a provisional *régime* has made of this neutral zone a sort of no-man's-land of *res nullius*, prejudicial to the interests of the inhabitants of the neutral zone, and also to those of the countries which it separates, and which cannot continue longer."

There are no State police in the Vilna neutral zone. Even communal police, with the exception of the borough of Shirwinty, which maintains four agents at its own expense, are entirely lacking.

The neutral zone has thus quite naturally become the El Dorado of contrabandists and deserters. . . .

In order to get rid of the inconveniences which result from such a situation, the Commission this summer suggested to the two Governments to come to an arrangement to fix a demarcation-line which should be the limit of competence alike of the Lithuanian police and the police of Vilna. Neither of the two Governments took this suggestion seriously into consideration.

The Lithuanian Government energetically resists the exploitation by Poland of the Vilna-Grodno railway and the Polish Government, on its side, would consent provisionally to abandon the boroughs of Shirwinty and Gedroice to Lithuania only in exchange for the right of the provisional working of the above-mentioned railway.

It is on this ground that it is necessary to find a basis of agreement between the two Governments (Document C. 329, M. 183, 1922, VII.)

During the discussions which took place at the sitting of the Council in January, 1922, the representatives of Poland and those of Lithuania were called to declare themselves on the suggestions furnished by the Commission.

The Polish Government was of opinion that for the neutral zone should be substituted a simple demarcation-line, and insisted particularly on the necessity of attaching to the Vilna territory the railway line linking Vilna with Grodno and Warsaw, where traffic had been interrupted since the beginning of the Polish-Lithuanian difference.

The Lithuanian representative, on the contrary, declared that his Government could not accept the replacement of the neutral zone by a demarcation-line; the only line of demarcation lawfully existing between Lithuania and Poland being that of the Suvalki Convention, violated immediately after its signature by General Zeligowski. He added that the neutral zone must not remain without control and that, if the Commission withdrew, surveillance of this zone could be entrusted to a High Commissioner.

Such have been the invariable attitudes maintained since that period by each of the two Governments. Poland has not ceased to demand as a remedy for the evils caused by the existence of the neutral zone the replacement of this zone by a demarcation-line. Lithuania has constantly refused to take this course, and on several occasions has renewed her demand to place the neutral zone under the surveillance of a High Commissioner.

B. *The Resolution of the Council of January 13th, 1922.*

On January 13th, 1922, the Council of the League of Nations, in view of the refusal of both Governments, Polish and Lithuanian, of its recommendations aiming at a solution of the entire Polono-Lithuanian problem, declared that it withdrew, as regards the basis of the dispute, from pursuing the procedure of conciliation hitherto followed, and that it recalled its Commission of Control. But after the departure of the Commission it became necessary to seek a solution of the problem of the neutral zones. It was to these concerns that the following paragraph of the recommendation of January 13th has reference :

"The Conference considers that after the withdrawal of the Military Commission there is reason in virtue of a *modus vivendi* to substitute for the neutral zones a provisional demarcation-line, it being understood that the territorial rights of the two States remain entirely reserved. It invites the representatives of the two Governments to accept this solution. It is ready in that case to consider necessary measures for the fixation of this line on the ground."

As we see, the Council recognised that the best solution of the problem was to replace the zones by a demarcation-line and made an effort to obtain for this solution the assent of the two parties, still hoping to overcome the opposition, already very clearly manifested, of the Lithuanian Government.

C. *Anarchy in the neutral zone and the complaints of the two Governments.*

The replies of the two Governments were conformable to the declarations of their representatives before the Council, Poland accepting the establishment of a provisional demarcation-line, whilst Lithuania demanded the appointment of a High Commissioner.

Between the two sessions of the Council of January and May, 1922, the Polish Government on March 8th directly proposed to the Lithuanian Government to divide the neutral zone in the region of Suvalki and Vilna by a provisional demarcation-line. The Lithuanian Government, on April 8th, rejected the Polish proposal, demanded the integral fulfilment of the Suvalki agreement, declaring that the demarcation-lines established on various occasions either by the Allied Governments or by the League of Nations, had never been respected by Poland, and requested the Council to take the populations of the neutral zones under its protection until the Polish-Lithuanian difference should have been definitely settled.

On May 5th, 1922, the Polish Government gave notice of a series of acts of violence committed by Lithuanian bands in the neutral zones.

On May 13th, 1922, the Lithuanian Government replied complaining in its turn of a series of aggressions committed by Polish bands and again asked the Council to send a High Commissioner to the zone.

Two days before, on the 11th, the Polish Government had again asked the Council to divide the neutral zone so as to permit re-establishment of traffic on the Warsaw—Grodno—Vilna—Petrograd line.

When the Council assembled on May 11th, 1922, it tried to give an impetus to this difficult question of the liquidation of the neutral zones, still hoping to rally to its action the two interested Governments. It considered it otherwise necessary to prescribe the establishment of a demarcation-line, to recognise

at least its urgency and to study the eventual tracing. This was the object of the resolution of the 17th May, 1922, framed as follows :—

“Considering the inconveniences which result from the maintenance between Poland and Lithuania of a neutral zone at present deprived of all regular administration.

Whereas the recommendation of the Council of January 13th, 1922, conducing to the suppression of that zone and to the fixation of a provisional demarcation-line established through a common agreement by the two interested Governments has received the assent of the Polish Government, but that the Lithuanian Government has deemed itself unable to accept it.

The Council considers that there is reason to maintain the neutral zone in all its extent from the military standpoint (the stationing and transport of troops and war material) but renews its recommendations as to the urgency of the establishment of a provisional demarcation-line traversing the said zone for the civil and judicial administration of the communes which are contained therein.

With a view to studying the eventual tracing of this line, the Council decides to send to the spot a Commission which will present it a report.”

The representative of Poland accepted in the name of his Government. The Lithuanian Delegation renewed its opposition and asked the Council, in the name of its Government, “to be good enough to take the population of the neutral zone under its protection until the fulfilment by Poland of the Suvalki agreement, or until the definite solution of the Polish-Lithuanian conflict, and to appoint for this purpose a High Commissioner of the League of Nations belonging to a neutral Power, with the mission of superintending on the spot the fulfilment of the conditions which the Council shall be pleased to adopt to this effect.” It added that the Lithuanian Government not being able to accept even the principle upon which the recommendation of the Council rested, refused to admit the expediency of a preparatory investigation on the ground.

This opposition could not prevent the Council from having this work carried out, if it wished, for its own information. But, animated with the same spirit of conciliation as before, it did not hasten the appointment and departure of a Commission of Investigation.

New complaints, however, on the condition of the neutral zone arrived from both sides.

On June 26th, 1922, the Polish Government reported the introduction of a Lithuanian civil administration in certain localities of the neutral zone, notably at Shirwinty.

On July 17th, 1922, the Lithuanian Government denied the Polish allegations and complained of acts of violence committed by Polish bands near Shirwinty and in the neighbouring regions. The Polish Government multiplied its proceedings with the secretariat, demanding why the resolution of May 17th had not yet received execution. It was in these circumstances that, at the session of the Council of August, 1922, held at St. James's Palace, in London, the Secretary-General demanded and obtained the necessary instructions for the preparation of the proposed inquiry of May 17th. It was decided that M. Saura, Consul-General of Spain at Brussels, and ex-member of the Civil Commission charged with preparing a plebiscite in the Vilna territory, should proceed to the neutral zone, accompanied by a member of the Secretariat, to prepare a report to the Council on the eventual tracing of a provisional demarcation-line.

D. The Saura Report and the Resolution of the Council of February 3rd, 1923.

From August 27th to October 18th, 1922, M. Saura pursued his labours in the neutral zone. The Polish Government furnished him with every requisite assistance, but the Lithuanian Government, faithful to the attitude from which it had never departed, declared itself compelled to abstain from any act whereby it might seem to associate itself with an inquiry the principle of which it had rejected. The report of M. Saura, dated December 9th, 1922 (C. 755), gives an account of a deplorable state of things which, since the departure of the Military Commission of Control had become sensibly aggravated. “Left to itself, the neutral zone has become the battlefield of organizations of nationalist propaganda. These organisations are introduced under the guise of militia of the neutral zone. The zone which at the time of the Military Commission of Control possessed four policemen, now actually reckons more than a thousand. There are Polish militia and Lithuanian militia. The Polish militia control the greatest part of the zone, whilst the Lithuanian occupies only the boroughs of Shirwinty and Gedroice and the southern portion of the zone traversed by the Vilna-Grodno railway line. The two militias of the neutral zone are abundantly supplied with arms. They possess rifles, bombs and even machine-guns in quantities more than sufficient. They dispute the ground with gun-fire and engage in battles. . . . The militia of the neutral zone is composed, in large part, of people from outside and little respectable. Others have joined the ranks of the militia in order to be able to avenge wrongs which

their adversaries have inflicted upon them. The spirit with which these people are animated is the principal cause of the disorders. The militia do not aim at the establishment of order in the region; they contemplate rather the conquest of the zone."

M. Saura added that the Suvalki region itself, in spite of the existence of a demarcation-line and of a police of each side of this line, was not sheltered from disorder. He recommended, in case the neutral zone should be replaced by a provisional demarcation-line, to trace this line so as to modify as little as possible the positions acquired on either side, in order to avoid the shedding of blood.

Nevertheless, the two Governments continued to send to the Secretariat complaints with regard to acts of violence committed in the neutral zone.

On September 27th, 1922, the Lithuanian Government reported acts of pillage and atrocities which had been committed in the neutral zone by Polish soldiers and officers disguised in civilian clothing.

On November 15th it complained of violations of the Curzon line in the Suvalki region.

On November 15th the Polish Government reported incessant violations of the neutral zone in the Vilna region and in the Suvalki region by Lithuanian detachments.

On November 21st the Polish Government protested against forced expropriations to the detriment of Polish subjects in the neutral region of Suvalki.

On November 22nd the Polish Government transmitted evidences relative to the murder of a Polish citizen committed in the neutral zone.

On December 7th the Lithuanian Government sent a telegram to the President of the Council to report two aggressions committed by Polish detachments in the neutral zone.

On January 11th the Lithuanian Government replied to the Polish Government's letter with regard to the murder of one of its nationals.

On January 21st the Polish Government reported an irruption of Lithuanian partisans into the commune of Shirwinty, accompanied by acts of murder and pillage.

These mutual accusations amply confirm the impression derived by M. Saura in the course of his mission.

The Council, when it assembled in Paris at the end of January, 1923, had to pronounce on M. Saura's report.

The Polish Government had presented a counter-project dividing the neutral zone in a different manner; whilst M. Saura proposed to trace a demarcation-line dividing the Vilna neutral zone in almost equal parts in the sense of length, from its southern extremity to Janishki and Orniany, the Polish Government demanded that in the southern sector of the Vilna neutral zone, all the southern portion adjacent to the railway should be placed under Polish administration, and the northern part as far as the river Viliya under Lithuanian administration; from the river Viliya as far as Janishki and Orniany all the zone would be attributed to Poland. The neutral zone to the north of Janishki, as in the Saura project, would be left to Lithuania.

The Council heard the representatives of the two interested Governments. The representative of Poland defended the counter-project of his Government. That of Lithuania confined himself to opposing to the conclusions of the Saura report a plea to bar based upon the same arguments which the Lithuanian Government had constantly invoked since the question had arisen, *i.e.*, that it could not admit the establishment of any demarcation-line, even were it declared provisional, and demanded the putting into force of the agreement of Suvalki violated on October 9th, 1920, by General Zeligowski.

The Council deemed that the state of things reported in the numerous complaints received from either side for more than a year and confirmed by the Saura report, could not continue without involving intolerable consequences for the local population, and dangerous for the maintenance of peace. As regards the tracing, it declared itself in favour of the line indicated by M. Saura, save in the region traversed by the railway, where it considered that the protection of the line would be better secured if all the zone were placed under Polish administration.

The Lithuanian Government's opposition was a fact of which it was necessary to take account. On the other hand, the Council deemed it impossible to abandon to their fate the population of those zones created under its authority. That was why it took the step of indicating to each of the two interested Governments in what part of the zone it might, with the Council's approval, extend its provisional administration.

Each of them remained free to utilize this right and, as no precise line was to be staked out on the ground, it was impossible to doubt the character of the proposed measure. Its sole end was to

put a stop to a situation which had given rise on both sides to continual complaints and for which the Council could not provide any other remedy.

The Council's recommendation was at once accepted by the Polish Government. The Lithuanian Government, both through the organ of its representative at the session of the Council, and through an official communication immediately after the session, expressed anew its opposition in principle, declaring that in its opinion the neutral zone created as the result of an agreement between the interested parties could not be changed or suppressed without the consent of the latter ⁽¹⁾, and that it reserved the right to oppose them by all means of law and fact. This opposition was manifested on February 10th by the despatch of a telegram and by a memorandum ⁽²⁾ of March 8th, asking the Council to submit, for the opinion of the Permanent Court of International Justice, the two following questions :—

1st. In the absence of the consent of one of the two interested parties, could the Council, in the terms of the Covenant, make a recommendation, and in the event of an affirmative reply, on this point, are the terms of the recommendation conformable to the Covenant?

2nd. Does the Covenant of the League of Nations confer upon one party the right to apply the recommendation formulated by the Council in view of the opposition of the other party?

E.—The fixation of the frontier between Poland and Lithuania by the Conference of Ambassadors (March 15th, 1923.)

The creation of neutral zones and of demarcation-lines intended either to complete them or to replace them could not be regarded other than as a provisional expedient destined to prevent an armed conflict while awaiting the definite solution of the territorial dispute between Poland and Lithuania.

In view of the opposition or objections of the two parties, the Council on January 13th, 1922, had renounced the pursuance of its intervention in view of this definite settlement.

By Article 87 of the Versailles Treaty the Principal Allied Powers with the assent of Poland signatory of the Treaty, had reserved themselves the right subsequently to fix the frontiers of Poland everywhere where they were not defined in the Treaty itself. At the sitting of the Council of May 17th, 1922, the representative of Lithuania had presented in the name of his Government the following petition :—

“ The Lithuanian Government begs the Council to be so good as to draw the attention of the Allied Powers to the urgency and absolute necessity of tracing the eastern frontiers of Poland, this right having been given to the said Powers by Article 87 of the Versailles Treaty.”

By a note of November 18th, 1922, addressed to the Conference of Ambassadors, the Lithuanian Government expressed anew the same desire, adding that it hoped that the Powers would take into consideration the agreements already concluded between Poland and Lithuania.

A short time after the last recommendation of the Council, the Polish Government addressed to the Allied Powers a formal request asking them to make use of the right which was reserved to them by Article 87 of the Versailles Treaty to fix the eastern frontiers of Poland (February 15th, 1923). The Conference of Ambassadors deliberated on this question at the beginning of March, and on the 15th of this month made known the decision of the Powers. The effect of this decision is to transform into definite frontiers the provisional demarcation-line recommended in the last place by the Council. In the region of Orany where there was a zone which had never been exactly delimited, the frontier will have to follow the course of the river Meretzanka passing between the borough of Orany and the suburb of Dmitrovka, then more to the north, a stream rejoining at Jakiance the limit of the old neutral zone.

This decision closes the procedure of provisional demarcation instituted since October 8th, 1920, this procedure being rendered without object by a basic solution on the question of sovereignty.

(1) One recalls (*see* pp. 2 and 3) that the limits of the Vilna zone had been prescribed by the Commission of Control and that for the zone of the north the Commission had itself taken the initiative in establishing it.

(2) C 218, M. 125, 1923, 111.

LETTER FROM M. ASKENAZY TO THE PRESIDENT OF THE COUNCIL.

(Translation.)

Geneva, April 16th, 1923.

SIR,

Having noted the telegram dated February 18th and the letter dated March 8th last, addressed to the Council of the League of Nations by the Lithuanian Government, I consider that I must leave it to the Council to form its own decision both on the singular interpretation attached by the Lithuanian Government to the unanimous Recommendation of the Council on February 3rd last and on the request of that Government that this Recommendation should be submitted for an advisory opinion to the Permanent Court of International Justice.

I cannot, however, pass over in silence certain passages in these documents in which there is further reference to the threats of war uttered by the Lithuanian delegate on February 3rd last at a meeting of the Council—passages which, by amplifying and defining the meaning of these threats in a singular manner, seem to possess particular importance both from a legal and a practical point of view.

These passages in the Lithuanian Government's letter dated March 8th are worded as follows :—

"A report by the Council adopted in the circumstances contemplated by the 6th paragraph of Article 15 only gives the Party which is willing to comply therewith an assurance that it will not incur the risk of war with any Member of the League of Nations other than its opponent."

"The Covenant in no way prohibits a Party which refuses to comply with a Report of the Council from resisting the action taken by the Party which does comply therewith; . . . the freedom of action of the Party which does not accept the recommendations of the Council's Report is only restricted by the second part of the first paragraph of Article 12 of the Covenant which reads as follows : "They (all the Members of the League) agree in no case to resort to war until 3 months *after the arbitral or judicial award* or the report by the Council."* "As in these circumstances the Party which does not comply with the recommendations of the Council's Report is within its rights in going to war with its opponent, it follows that Article 16 of the Covenant could not be applied to the Party in question if it should go to war in such a case."

"The Lithuanian Government takes the view that resorting to war in the case in point would not be in disregard of any of the Articles referred to, and therefore a State which resorted to war would not necessarily be breaking the Covenant, and the penalties provided for in Article 16 would be in no way applicable."

I have been instructed by my Government to offer the following observations on the conclusions and statements of the Kovno Government :—

1. It is absolutely without precedent for a Member of the League of Nations which has become a party to the Covenant (in the Preamble of which it is solemnly stated that the Members "in order to promote international co-operation and to achieve international peace and security, agree to the acceptance of obligations not to resort to war") to address to the Council of the League of Nations such statements as those, which contain a number of reiterated threats of war against another Member, for the sole reason that this Member has conformed to a unanimous Recommendation of the Council.

2. It is clear from a legal point of view that the arguments advanced in the letter in support of these threats are in manifest contradiction with the letter as well as with the spirit of the Covenant. In Article 12 a general rule is clearly laid down for all disputes investigated by the Council and for all its reports relating thereto; and, further, paragraph 6 of Article 15 covers the special case of a Report unanimously voted by the Council and accepted by the party which conforms to the conclusions of the Report.

3. It should be noted :—

(a) that a threat to resort to war was distinctly made by the Lithuanian delegate on February 3rd and that not only was this threat not withdrawn, in spite of the intervention of the President of the Council and Lord Balfour at the same meeting, but it has subsequently been confirmed by the Lithuanian Government in its telegram to the League of Nations dated February 10th, and

(b) that in reply to an appeal addressed by His Excellency M. Viviani on March 5th to the Polish and Lithuanian Governments urging them "to give evidence of their desire for peace by displaying a spirit of mutual understanding in conformity with the spirit of the Covenant of the League of Nations of which both countries are Members," the Polish Government alone hastened on March 9th to make the necessary declaration, while the Lithuanian Government made no reply.

* It should be observed that the sentence which is in italics does not correspond with the text of Article 12 of the Covenant which reads "the award by the arbitrators."

4. It should be noted, moreover, that by its conclusions the Lithuanian Government seeks explicitly to reserve for itself the right, owing to the fact that Poland has carried out the Council's Recommendation, to commence hostilities against Poland within three months after the date of this Recommendation, that is to say, on or about May 3rd next.

5. It should be observed finally:—

(a) that in point of fact this date, namely, the beginning of May, must be considered in general, from a military point of view—on account of facilities for communications—as being a particularly favourable one for every kind of complication in Eastern Europe;

(b) that Lithuania, which in proportion to the smallness of her resources is relatively the most militarist country in the world, is at present maintaining on a war footing, on the frontiers of the Vilna Province, a force of more than 45,000 men.

In spite of striking and regrettable indications such as these, it is hoped that the invariably peaceable attitude adopted by Poland towards all her neighbours, and particularly towards Lithuania, will not fail to produce a salutary effect on the Lithuanian Government and induce it finally to abandon its extremist and provocative action. Moreover, the decision of the Allied Powers, dated March 15th last, reached in conformity with the repeated requests of the Lithuanian Government itself, which finally sanctioned the Council's Recommendation of February 3rd, definitely settled the destiny of the Vilna territory and at the same time terminated the Polish-Lithuanian dispute. In these circumstances the Polish Government is convinced that the threats of the Lithuanian Government against Poland, which are contained in the documents in question will never be carried out, and that the peace between Poland and Lithuania will remain undisturbed. This would permit the Polish Government, in accordance with the sincere desire which it has so frequently had occasion to display, to place Polish-Lithuanian relations on that footing of mutual understanding and friendliness which is to be desired from every point of view for the good both of Poland and of the Lithuanian people.

Nevertheless, in view of the unequivocal character of the Lithuanian threats, and also in view of the deplorable precedent of the *coup de main* of Memel, in which town the Lithuanian Government did not hesitate to carry out an armed attack on the Allied troops, the Polish Government considers that it is its duty, in case any of the Lithuanian threats should be carried out, to show beforehand that the responsibility will rest with the Lithuanian Government, and to request the Council to take all necessary steps to avoid an occurrence of this kind.

I have the honour etc.,

(Signed) S. ASKENAZY,

Delegate for the League of Nations.

XXXII.

The following remarks appear in the *Monthly Summary of the League of Nations* for March 1923.

THE POLISH-LITHUANIAN DIFFERENCE.

In connection with the recent incidents regarding the execution of the recommendation of the Council of February 3rd, the President of the Council has taken certain steps with a view to conciliating the adverse parties. Meanwhile, the territorial difference between Poland and Lithuania has been referred to the Conference of Ambassadors for a settlement of the frontier between the two States.

(a) *Intervention of the President of the Council.*—In reply to a telegram from the Acting-President of the Council, the Polish Government stated on February 22nd that the recommendation of the Council had been closely followed by the Polish troops. The Lithuanian Government, in its reply of February 27th, announced that Polish forces had invaded Lithuanian territory at various points, attacking Lithuanian troops, mainly in the district of Suwalki. Both Governments expressed their desire to avoid an armed conflict.

In his reply, the President of the Council took note of the pacific intentions of the interested parties. The Polish Government, in a telegram to the President dated March 9th, emphasised once more its desire for a peaceful settlement.

According to information received by the Secretary-General, the frontier-line laid down by the Council effectually separates the areas inhabited by Poles from those inhabited by Lithuanians.

(b) *Decision of the Conference of Ambassadors, March 15th, 1923.*—The creation of neutral zones in the region of Vilna, a measure taken with a view to preventing armed conflict, was never intended to anticipate in any way a definite solution of the territorial difference between Poland and Lithuania. In all resolutions on the subject, especially in that of January 13th, 1922, regarding the territorial difference

between the two States, and in its recommendation of February 3rd, 1923, on the replacement of the zones by a provisional line of demarcation, the Council has invariably emphasised the fact that the territorial rights of both States would remain absolutely intact.

The Polish-Lithuanian difference could have been entirely settled by the Council if the interested parties had accepted its arbitration. Under Article 87 of the Treaty of Versailles, however, the Principal Allied Powers, with the consent of Poland, a signatory State, reserved their right to determine Polish frontiers not laid down by the Treaty. The interested parties, therefore, could appeal to the Principal Allied Powers, represented by the Conference of Ambassadors.

On February 15th, 1923, the Polish Government officially requested the Conference of Ambassadors that the Principal Allied Powers might, without further delay, make use of their prerogatives in virtue of Article 87 of the Treaty regarding the delimitation of the Polish frontiers.

The Conference of Ambassadors, after examining the question at the beginning of March, announced its decision, laying down the frontier between Lithuanian and Poland, on March 15th.

XXXIII.

LETTER FROM LITHUANIAN PRIME MINISTER TO THE SECRETARY-GENERAL.

No. P/303.

Geneva, *April 19th, 1923.*

MR. SECRETARY-GENERAL,

I have taken cognizance of a document communicated to the Council of the League of Nations, March 27th, 1923 (C. 219 M. 126 1923 VII), and entitled "Historical Summary prepared by the Secretariat on the question of the neutral zones between Poland and Lithuania." I find myself obliged to draw your attention to several inexactitudes which this document contains.

1st. On page 3 the document in question represents the neutral zone as having been "created" by the Military Commission of Control, whilst in reality this zone was established by the protocol signed on November 29th, 1920, at Kovno, by the Polish and Lithuanian representatives. To the said protocol was attached a declaration of the Lithuanian representative to the effect that the consent of the Lithuanian Government was given for the sole purpose of facilitating for Poland the evacuation of the Vilna territory by General Zeligowski's troops.

2nd. On page 16, the aforesaid document reproduces the two questions on which the Lithuanian Government is desirous of learning the consultative opinion of the Permanent Court of International Justice, in their first drafting contained in the telegram of February 10th last, when by my letter of March 8th I had forwarded to the Secretariat-General the following draft which is definitely substituted for that of the aforesaid telegram :

1. Has the Council of the League of Nations, apprized of a dispute in virtue of paragraph 1 of Article 15 of the Covenant, the right to make to the parties, on incidental questions which have not been expressly brought before it, recommendations having the force of reports of the Council mentioned in paragraphs 4, 6 and 7 of the same Article 15?

2. Are the conclusions of a report of the Council of the League of Nations, voted under the conditions of paragraph 6 of Article 15 of the Covenant of the League of Nations and accepted by one of the parties, obligatory for the other party who does not accept them and does the recourse of this latter party to war after the expiry of the term fixed by Article 12 of the Covenant against the party who conforms to the report expose it to the sanctions of Article 16?

2nd. On pages 17-18 the aforesaid document seems to wish to give the impression that the Lithuanian Government should have conferred with the Conference of Ambassadors as regards the mandate to legislate supremely on the frontiers between Lithuania and Poland. Now, in its note of November 18th, 1922, the Lithuanian Government clearly traced the limits within which it desired to see the Powers use the right which Article 87 of the Versailles Treaty confers upon them. In fact it specified that the fixation of the frontiers should only be made "while taking into consideration the solemn engagements of that State (Poland) towards the Lithuanian State, as well as the vital interests and rights of Lithuania."

I should be particularly grateful, Mr. Secretary-General, if you would be good enough to have these points immediately communicated to the Council and to the Members of the League.

Please accept, Mr. Secretary-General, the assurance of my high consideration,

(Signed) E. GALVANAUSKAS,
President of the Council,
Lithuanian Minister for F.A.

XXXIV.

LEAGUE OF NATIONS, TWENTY-FOURTH SESSION OF THE COUNCIL, HELD AT GENEVA ON SATURDAY, APRIL 21ST, 1923, AT 3.30 P.M.

DISPUTE BETWEEN LITHUANIA AND POLAND :

Execution of the Council's Recommendation of February 3rd, 1923, concerning the establishment of a Line of Demarcation in the Neutral Zone.

The PRESIDENT asked M. Galvanauskas, representative of Lithuania, and M. Askenazy, representative of Poland, to come to the Council table.

M. HYMANS, Rapporteur, informed the Council that there were two questions concerning the dispute between Poland and Lithuania with which the Council had to deal. The first concerned the execution of the Council's recommendation of February 3rd, 1923, concerning the establishment of a line of demarcation in the neutral zone; the second, the questions regarding which the Lithuanian Government had asked the Council to consult the Permanent Court of International Justice. He suggested that the Council should deal with the two main questions separately.

As regards the first question, M. Hymans reminded the Council of the terms of its resolution of February 3rd, 1923* and then presented a progress report.

M. GALVANAUSKAS desired to comment on the Rapporteur's report before making a formal declaration to the Council. The passage in the report in which the Rapporteur had stated that the incidents which had occurred at the time when the recommendation of the Council was put into force had not been of a grave nature, was not entirely in accordance with the facts. A fairly large number of persons had been killed and wounded and the incidents were therefore not without gravity. Further, the police forces employed by Poland were not police proper but were frontier guards who were, in actual fact, regular troops.

On the other hand, it could not be said that Lithuania had accepted the procedure established and the decision taken by the Conference of Ambassadors. The report stated that on May 17th, 1922, the Lithuanian representative had made to the Council the following request on behalf of his Government :—

“The Lithuanian Government asks the Council to draw the attention of the Allied Powers to the urgent and absolute necessity of tracing the eastern frontiers of Poland, since the right to do this has been given to these Powers by Article 87 of the Treaty of Versailles.”

There was a further point in that same speech of the Lithuanian representative which he wished to mention. It stated that Lithuania desired to make certain suggestions which, if preceded or followed by the execution by Poland of the Suwalki Convention would put an end to the sufferings of the population.

Lithuania had been ready under certain conditions to discuss with the Conference of Ambassadors the question of the frontier between Lithuania and Poland. According to the Treaty of Versailles the frontiers of Poland were to be discussed and determined, on behalf of Poland, by the principal Allied Powers, but it was not laid down that those Powers should dispose of territory which was not under their sovereignty; accordingly, the procedure regarding the fixing of the frontier had not been accepted by Lithuania, as had been stated in M. Hymans's report.

He then made the following statement : “Gentlemen, in its resolution of January 13th, 1922, the Council of the League of Nations, while bringing to an end the procedure of conciliation established by it for dealing with the relations between Lithuania and Poland, was careful to reserve the territorial rights of both States. In the first place, while recommending the substitution of a provisional line of demarcation for the neutral zone, the Council added that the territorial rights of the two States would be in no way prejudiced thereby. Further, in taking note of the Lithuanian Government's protest against the elections organised by the Polish Government in the territory of Vilna, the Council stated that “it cannot recognise any solution of a dispute, submitted to the League by one of its Members, which may be reached without regard to the recommendation of the Council or without the consent of both the parties concerned.”

“At its meeting of September 15th, 1922, the third Assembly of the League of Nations approved the report presented to it by M. Hymans, in the name of the special Committee, and confirmed the above declaration of the Council of the League of Nations, dated January 13th, 1922. ‘The Committee is of opinion, says the report, that this declaration has lost none of its value and applies in full to the fresh elections now proposed by the Polish Government. Those elections are the logical sequence and outcome of a situation, which they in no way affect, and which the Council clearly defined in the above-quoted provision of its resolution of January 13th.’ Finally, the resolution of the Council of

* See Official Journal, March, 1923, page 238.

the League of Nations of February 3rd, 1923, recommending the division of the administration of the neutral zone stated the demarcation thus laid down shall retain the provisional character referred to in the Council's recommendation of January 13th and May 17th, 1922, and the territorial rights of both States shall remain absolutely intact.

"The Council of the League of Nations will remember that the Lithuanian Government has always been opposed to such of the Council's recommendations as tended to replace the neutral zone by a line of demarcation. That Government has clearly stated the peremptory reason for its refusal. It foresaw that if it consented to the establishment of such a line it would risk, despite any reserves which might be made, finding its consent interpreted to mean the recognition or the tacit legislation by Lithuania and by the Council of the state of affairs created by the *coup de force* of the Polish general, Zeligowski. The Council on the other hand has always considered that the reserves which it made concerning the territorial rights of the two States were sufficient to prevent the danger of any such interpretation, and it was certainly this conviction which caused it to give an imperative character to its resolution of February 3rd, 1923.

"Events have unfortunately proved Lithuania to have been right. The decision of the Conference of Ambassadors of March 15th, 1923, seeks to trace the eastern frontiers of Poland in such a manner as to include the territory of Vilna within the Polish State. In one of the reasons for this decision it is expressly stated that as far as the frontier between Poland and Lithuania is concerned account must be taken of the actual situation which is especially due to the resolution of the Council of the League of Nations, dated February 3rd, 1923.

"Thus the Conference of Ambassadors which consists of the delegates of four States represented on the Council of the League of Nations has taken a decision giving to the Council's resolution of February 3rd an interpretation which the Council itself had beforehand definitely refused to accept. Further, the Conference has entirely set aside the statements of the Council and of the Assembly of the League of Nations quoted above which refused to allow the League to recognise any solution of the Polish-Lithuanian dispute which may be reached without regard to the League's recommendation or without the consent of both the parties concerned.

"In these circumstances, the Lithuanian Government asks the Council of the League of Nations to carry out the terms of its resolution of January 13th, 1922, by which it stated that 'it cannot recognise any solution of a dispute submitted to the League by one of its Members, which may be reached without regard to the recommendation of the Council or without the consent of both the parties concerned.'

M. Askenazy, representative of Poland, made the following statement:—

"I refuse to enter into any kind of discussion regarding the repetition by the Lithuanian Government of false accusations, made, as usual, without any foundation or proof. I have had the honour on several occasions, in my telegrams of February 22nd, and March 3rd and 5th, to refute, in detail, all these accusations. The Lithuanian Government has not thought it necessary to confirm any of these statements and has not even attempted to deny my rectifications of them.

As regards the observations of the Lithuanian representative on the attitude of the Lithuanian Government towards the employment, by the principal Allied Powers of Article 87 of the Treaty of Versailles, I should merely like to point out the complete justice of the passage referring to this article in the report of the Belgian representative.

In this connection, I only wish to quote two other statements made by the Lithuanian representative before the Council on January 13th, 1922, which entirely conform to that made on May 17th which is quoted in M. Hymans's report.

The following is the written statement of the Lithuanian representative made on January 13th, 1922, and inserted in the Official Journal of February 1922, page 138-9.

"The Lithuanian Government has, therefore, the honour respectfully to request the Councils of the League of Nations to draw the attention of the Supreme Council of the Allied and Associate Powers to the seriousness of the situation and to request the latter to fix the eastern frontiers of Poland in accordance with paragraph 3 of Article 87 of the Treaty of Versailles. This step would at the same time settle the Polish-Lithuanian dispute."

If this text, as well as the statement addressed on November 18th to the Conference of Ambassadors by the Lithuanian Government, be compared with the present statement of the Lithuanian representative, any comment as to the value attributed by the Lithuanian Government to the steps which it has taken and the declarations which it has made on this subject will at once be seen to be superfluous."

M. Hymans spoke as follows :—

I had intended to keep to the terms of the report which I have just had the honour to read to you, thinking that this item on the agenda would not give rise to a prolonged debate. In my opinion it would have been preferable to reserve certain arguments, which I intended to bring forward when the second question regarding this dispute is discussed. The observations, however, of M. Galvanauskas compel me to put these arguments before the Council immediately. I should like first of all to make a simple statement of fact in reply to the criticism made by M. Galvanauskas.

In speaking of the incidents which resulted from the execution of the Council's recommendation, he has reproached me with having used the words "incidents fortunately not of a grave nature." He has asked whether incidents which resulted in several persons being killed could be regarded as "incidents not of a grave nature." The interpretation put upon my words by the representative of Lithuania is one which I had never intended. Like everyone else, I deplore the loss of life which has been the consequences of these incidents. When, however, I spoke of "incidents fortunately not of a grave nature," I meant to say not of a grave political nature: I wished to explain that these frontier incidents had fortunately not resulted in an outbreak of war, a catastrophe which we should have all profoundly deplored. I must ask M. Galvanauskas, therefore, to interpret my words in this sense and not to consider that I could be indifferent to the facts which he has brought to our notice.

The representative of Lithuania has put forward a detailed argument regarding the decision taken by the Conference of Ambassadors, and the position in which the Council is placed by that decision.

I feel that I must now define my point of view on this matter. M. Galvanauskas, quoting the terms of the Council's resolution of January 13th, 1922, alleges that that resolution is, in a certain sense, contradictory to the decision of the Conference of Ambassadors and desires that the Council should not attach any value to the decision of the Conference of Ambassadors.

I wish to show you that this point of view is an impossible one. The terms of the Council's declaration of January 13th, 1922, are as follows :—

"The Council cannot recognise any solution of a dispute submitted to the League by one of its Members which may be reached without regard to the recommendation of the Council or without the consent of both the parties concerned."

By that we meant that we could not recognise a partial solution which might be given by one of the parties in a dispute. Further, I must point out that we make use of the expression "without the consent of the two parties," and that we do not use the word "agreement." The words "without the consent of the two parties" do not exclude the decision of a tribunal which the two parties have recognised as competent. Both the parties have consented to recognise the competence of the Conference of Ambassadors.

There is no agreement regarding the decision of the Conference of Ambassadors since Lithuania has protested; but Lithuania has formally consented to recognise the competence of the Conference of Ambassadors in respect of the tracing of the frontier. Not only has she recognised the competence of this body, but she has asked the Conference of Ambassadors, by public acts at this table and elsewhere, to trace that frontier. I shall prove this by irrefutable facts.

I must add that I am not here to discuss the Conference of Ambassadors' decision, which is not before the Council, but I insist on the fact that Lithuania has approached the Allied Powers urging them to trace the frontier in order to put an end to the existing dispute. She has, therefore, explicitly recognised the competence of the Conference of Ambassadors and has thereby given her consent.

The statements made on the subject of the competence of the Conference of Ambassadors by M. Narushevitch, the Lithuanian representative at Geneva, at the meeting of the Council on January 13th, 1922, were as follows. They were made after the reading of our draft resolution (Official Journal, February 1922, page 101) :—

"The origin of the dispute lay in the absence of a definite frontier between Lithuania and Poland, and the Lithuanian Government respectfully begs the Council to request the Allied and Associated Powers to determine the eastern frontiers of Poland according to Article 87 of the Treaty of Versailles."

In the name of his Government, M. Narushevitch asked the Council of the League of Nations to approach the Allied Powers in order that they should be induced to fix the frontier in accordance with the Treaty of Versailles.

This is recorded in the Minutes of the meeting of January 13th, 1922, which are necessarily somewhat abridged, but in the exact words of M. Narushevitch, which are to be found in Annex 295 (d) of the same number of the Official Journal, I find this characteristic phrase :

“ The Lithuanian Government has, therefore, the honour respectfully to request the Council of the League of Nations to draw the attention of the Supreme Council of the Allied and Associated Powers to the seriousness of the situation, and to request the latter to fix the eastern frontiers of Poland in accordance with paragraph 3 of Article 87 of the Treaty of Versailles. This step (and I want you especially to notice the importance of this sentence) would at the same time settle the Polish-Lithuanian dispute.”

When the Council re-examined the matter at a subsequent date, and discussed the question of determining whether a provisional line of demarcation should be immediately fixed, M. Sidzikauskas, on May 17th, 1922, expressed in the following terms the regret felt by the Lithuanian delegation at being unable to accept the resolution submitted to the Council :

“ The Lithuanian Delegation, therefore, felt obliged, to its great regret, to refuse to accept the resolution before the Council or to recommend that it should be accepted by the Lithuanian Government. It would like, however, to make two suggestions, which, if preceded or followed by the execution by Poland of the Suwalki Convention, would put an end to the sufferings of the Lithuanian population in the neutral zone :

(1) The Lithuanian Government asks the Council of the League of Nations to take the population of the neutral zone under its protection until the execution by Poland of the Suwalki Convention, or until a definite solution of the Polish-Lithuanian dispute has been reached, and to appoint, to that end, a High Commissioner of the League of Nations belonging to a neutral State to supervise on the spot the application of such dispositions as the Council may wish to make.

(2) The Lithuanian Government asks the Council to draw the attention of the Allied Powers to the urgent and absolute necessity of tracing the eastern frontiers of Poland, since the right to do this has been given to these Powers by Article 87 of the Treaty of Versailles.”

The same request is to be found in a note dated November 18th, 1922, to which M. Galvanauskas referred in a very recent letter, dated April 16th, addressed to M. Poincaré, President of the Conference of Ambassadors, and in which the Lithuanian representative protested against the decision of the Conference of Ambassadors regarding the frontiers.

One point is clearly established. Lithuania has not ceased to request both the Council and the Allied Powers direct, that the frontier should be fixed, stating that this would bring about a final solution of the dispute. By making these requests, she has recognised Article 87 of the Treaty of Versailles, and has, therefore, abandoned the argument which she has several times made use of before the Council, namely that she was not bound by the Treaty of Versailles because she had not been represented at the Peace Conference, and because she had not signed the Treaty. This is perfectly true, but by the acts and statements which I have just quoted she has adhered to Article 87 of the Treaty, she has asked for it to be applied and has recognised the competence of the Conference of Ambassadors.

Nevertheless, Lithuania has made the following reserve :—

“ In taking account of the solemn undertakings of Poland towards the Lithuanian State, as well as the vital interests and rights of Lithuania.”

What is meant by these solemn undertakings which Poland is supposed to have assumed towards Lithuania ? You doubtless have them in mind, gentlemen, and M. Galvanauskas has just repeated them. The Lithuanian delegation means, by those undertakings, the convention of Suwalki. Lithuania has never ceased to allege that that Convention, concluded, as she stated, between herself and Poland, constitutes, on the part of Poland, a recognition of the rights of Lithuania over the territory of Vilna. Can it be said that that Convention concerning territories situated to the east of the Maratchenka and comprising the Vilna region actually caused Poland to assume solemn undertakings in regard to Lithuania in respect of the Vilna territory ?

The title of the Convention of Suwalki is as follows :—

“ Agreement between the Republic of Lithuania and the Republic of Poland with regard to the establishment of a provisional *modus vivendi*, pending a definite settlement of relations between the two States, signed at Suwalki, October 7th, 1920.”

I will now read you Article I. of that Convention :—

“ *Article I. The Line of Demarcation.*—(a) A line of demarcation between the troops of Lithuania and Poland, which in no way prejudices the territorial claims of the two Contracting Parties, shall be fixed and shall be marked by the following points.”

I am well aware that the day after the Convention was signed this line of demarcation was violated by General Zeligowski, who, in command of irregular troops, broke the provisional military frontier and marched on Vilna. I am not going to speak further of those incidents, but what should be borne in mind at this moment is the meaning of the Convention itself. Did the Convention of Suwalki contain a solution of the territorial problem and was it a solemn recognition on the part of Poland of the rights of Lithuania over the territory of Vilna?

No one can reply in the affirmative to this question. I have read the exact title of the Convention : “ An agreement establishing a provisional *modus vivendi*, pending a definite settlement of relations between the two States.” In what did this agreement consist? It consisted in fixing a line of demarcation with the object of separating two armies, in preventing a threatened conflict, in removing a state of war and in maintaining a provisional peace. Article I. formally mentions a line of demarcation which should not prejudice in any way the territorial rights of the two contracting parties.

I am, therefore, I think, gentlemen, quite at liberty to conclude that the reservation of the Lithuanian representative is without foundation and I think that I need not add anything more in reply to his contention.

Finally, I repeat, in order to make my point quite clear, that the decision taken by the Conference of Ambassadors has put an end to that dispute, since the decision was given in virtue of an authority and a jurisdiction the competence of which has been recognised by Lithuania. The reservation put forward by Lithuania is without foundation, as I have just shown you by the explanations which I have had the honour to give you concerning the nature of the Convention of Suwalki.

M. Galvanauskas said that Lithuania had never disputed the fact that she had approached the Conference of Ambassadors and emphasised the necessity of fixing her frontiers with Poland. The Conference was the only judicial body which Lithuania could approach, since she saw that the Council of the League was incapable of settling the Zeligowski affair. It was important to know whether the explanations given by the Belgian representative had been communicated to the Conference of Ambassadors.

M. Hymans said that the documents had been communicated to all the members of the Council, who had naturally placed them at the disposal of their respective Governments, some of which were members of the Conference of Ambassadors.

M. Galvanauskas said that the Conference of Ambassadors was a separate body and as such had no knowledge whatever of these questions from a legal point of view. It had taken as a basis for its decision the statement which M. Hymans had mentioned at the end of his speech, according to which Lithuania had asked the Conference of Ambassadors to fix the frontiers of Poland, since Poland could not do this for herself. Further, though the Conference of Ambassadors might be empowered to dispose of the territories of Galicia and other districts of a similar nature, she could not do this with regard to the territories which had belonged to the former Russian Empire, over which she possessed no sovereign rights.

Consequently, Lithuania had only approached the Conference of Ambassadors in order to find a method in concert with that Conference of tracing the Polish-Lithuanian frontier.

Lithuania did not, therefore, ask for a modification of the Conference of Ambassadors' decision, which it did not recognise, but wished that the Council of the League should maintain a consistent attitude, and that, when it had taken a decision, it should keep to it.

The President said that the observations made during the debate would appear in the Minutes which would be communicated, as usual, to the Council and to all the Members of the League.

M. Galvanauskas said that mention in the Minutes was not sufficient, and he asked the Council to adopt a resolution upon the question before it.

The President pointed out that there was no resolution before the Council.

M. Galvanauskas disagreed. The Rapporteur in his report had considered that the resolution adopted by the Conference of Ambassadors had put an end to the question of the frontiers. This, however, was not the case.

M. Hymans pointed out that the report which he had submitted to the Council contained no conclusions dealing with the different circumstances which had arisen since the last resolution of the Council. It was simply a progress report.

There was another question on the agenda. This was of a legal nature and concerned the protest of the Lithuanian Government against the Council's last resolution.

Regarding the first question submitted to the Council for its examination, M. Galvanauskas had disputed certain of his statements. He reiterated, however, that the Council was not called upon to express an opinion. The decision of the Conference of Ambassadors had not been submitted to it, and it could therefore not discuss it. The one point which he had made clear was that Lithuania had accepted the competence of the Conference of Ambassadors, as was irrefutably proved. The only reservation which she had made was of no value, since the Convention of Suwalki contained no stipulations whatever concerning territorial questions, but was only a military agreement of a purely provisional nature.

M. Galvanauskas desired to make an observation on the following phrase in the report before the Council :

"As a political frontier has thus been determined in accordance with the procedure which was provided for in the Treaty of Versailles, and accepted by the Lithuanian Government, the question dealt with by the Council at its last session has now become part of the history of the dispute which has occupied the attention of the Council for so long, and which, thanks to its efforts during two years, has been prevented from degenerating into a sanguinary conflict."

The Council, therefore, considered that, as far as it was concerned, the matter had been settled. This, however, was not his opinion.

M. Hymans desired to point out that his point of view was in conformity with the previous decisions of the Council. In its last resolution the Council formally stated that that resolution was final. In reality, the only question now before the Council was that which it would deal with next, and which concerned the Lithuanian Government's request that the question of the legal interpretation of the Council's final resolution should be submitted to the Permanent Court of International Justice. As regarded the substance of the question—namely, the political question—that was no longer before the Council.

The President said that, as the Rapporteur had pointed out, the Council only had before it a progress report of the events which had recently occurred. It took note of this progress report without expressing any opinion, since there was no resolution before it.

M. Galvanauskas said that if the Council took note of the progress report, which did not describe the actual situation, it would, by this act, give a certain authority to that report.

The President replied that the Council could do no more than take note of the report and of the observations which it had called forth, which would be recorded in the Minutes.

M. Galvanauskas asked that the question of the fixing of the frontier, as well as the final decision of the Council of the League, should be placed on the agenda of the next Assembly.

M. Hymans said that the Lithuanian Government was free to act as it thought best.

929. DISPUTE BETWEEN LITHUANIA AND POLAND.

Questions on which the Lithuanian Government had asked the Council to consult the Permanent Court of International Justice.

M. Hymans, Rapporteur, made the following statement :

"The Lithuanian Prime Minister and Minister for Foreign Affairs, in his telegram from Kovno dated February 10th, 1923, submitted certain observations regarding the Council's resolution of February 3rd, 1923, referring to the establishment of a line of demarcation in the neutral zone.

"He begged the Council to submit to the Permanent Court of International Justice certain questions* regarding the legal nature of the above resolution.

* These questions were :

(1) Shall the Council of the League of Nations, when notified concerning a dispute in virtue of paragraph 1 of Article 15 of the Covenant, have the right to make recommendations to the parties concerned, on supplementary questions which have not been expressly submitted for its consideration—such recommendations having the force of reports by the Council, referred to in paragraphs 4, 6 and 7 of Articles 15 aforesaid?

(2) Shall the conclusions contained in a report of the Council of the League of Nations, adopted under the conditions laid down in paragraph 6 of Article 15 of the Covenant, and agreed to by one of the parties, be binding on the other party, if it does not accept them? And if the latter party resorts to war within the period laid down under Article 12 of the Covenant, against the party which conforms to the reports, shall it lay itself open to incurring the penalties provided by Article 16?

These questions were stated in their final form in the memorandum accompanying M. Galvanauskas' letter, dated March 8th, 1923, which has been communicated to the Council (Document C. 218. M. 125. 1923, VII.). I think that the Council should not accede to this request.

I will not dwell upon the fact that the effect of the Lithuanian Government's request would be to submit to the Permanent Court of International Justice the question of the validity of a decision taken by the Council. Such a procedure would appear, in principle, hardly compatible with the constitution of the League of Nations.

Moreover, the validity of the decision cannot be seriously questioned.

I would remind the Council that the situation which it had in mind in adopting its resolution of February 3rd, 1923, was purely provisional and that the Conference of Ambassadors in a decision taken on March 15th, 1923, traced the frontiers of Poland in virtue of Article 87 of the Treaty of Versailles. The Lithuanian Government's request therefore refers to a purely theoretical question, namely, the legal nature of a provisional decision which has to-day lost all practical value.

Further, there is no doubt whatever that the Council in making its recommendation of February 3rd to the two countries concerned was acting within the scope of the Covenant. On September 6th, 1920, the Polish Chargé d'Affaires submitted to the Council the dispute which had arisen between the Polish and Lithuanian troops. The Lithuanian Government accepted the Council as competent to deal with the matter, and the Council has for two years and a half devoted many meetings to the consideration of this question, with a view to reaching a satisfactory settlement of the difficulties which have arisen between the two countries. The Council has frequently been obliged, with the assent of both parties, to add to the proposals referring to the substance of the question in dispute recommendations with the object provisionally of maintaining a state of peace between the two countries. All the details regarding the various phases of this procedure are enumerated in the summary (Document C. 219, M. 126. 1923. VII.) previously distributed to the Members of the Council.

I therefore conclude that the Council acted fully within its competence in adopting the recommendation of February 3rd, 1923, and that there is no occasion to request the opinion of the Permanent Court of International Justice on this subject.

M. Galvanauskas said that the Rapporteur's statement had not expressed the wishes of the Lithuanian Delegation, which had only asked that these questions should be submitted to the Permanent Court of International Justice. The opinion of the Council, although of great interest to the Lithuanian Government, was not the essential point desired. What that Government wanted was to obtain the opinion of the Permanent Court of International Justice. Did the Council desire or not to submit these two questions to the jurisdiction of that Court?

M. Hymans said that the Lithuanian representative had raised a purely academic question which had no practical interest. The resolution, certain of the stipulations of which have been criticised by M. Galvanauskas and which he wished to submit to the Permanent Court for its opinion—a proceeding which, from the point of view of the harmonious working of the institutions of the League was perhaps open to great objection—was only of a provisional character. It had no practical value and no one could at this moment dispute a resolution which was only history since the frontiers themselves had been traced by the Conference of Ambassadors. The situation no longer required provisional measures, since a final measure had been taken by a body whose legal competence had been recognised.

In these circumstances, he was of opinion that it was going too far in the desire to further legal science and legal theory, pure and simple, to ask the Council to open a legal debate before the Permanent Court of International Justice.

Further, from the point of view of the harmonious working of the institutions of the League he was very doubtful whether it was advisable to create a serious precedent by submitting a resolution which had been unanimously adopted by the Council to the Permanent Court for its opinion.

M. Galvanauskas said that he was not in agreement with the Rapporteur in thinking that the decision of the Conference of Ambassadors was final and binding. Lithuania was of opinion that she had not undertaken any engagement in the matter. The Conference of Ambassadors could not dispose of territories over which its sovereignty did not extend.

Without entering into a discussion upon the Zeligowski affair, the Belgian representative had considered that the League of Nations had done all that it could to settle this matter. It had passed all kinds of censure upon his conduct, but General Zeligowski still remained at Vilna. Thus had been brought about an accomplished fact. The Council of the League further thought that the other questions were only theoretical and had no practical value.

As far as Lithuania was concerned, however, the question was not settled, since the Lithuanian Government did not recognise the Conference of Ambassadors' decision, which, without its consent, had

given away territories over which Lithuania had not abandoned her rights. Further, Article 14 of the Covenant of the League stipulates with regard to the Permanent Court that

“The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.”

He did not know where the line could be drawn between a practical question and a theoretical one.

From a practical point of view, the decision of the Conference of Ambassadors did not settle the question of the frontier between Lithuania and Poland. Further, Article 14 of the Covenant laid down not only that practical questions, but that all questions, could be submitted to the Permanent Court. He asked the Council to decide whether or not it intended to submit these two questions to the Permanent Court for its opinion, since, as a Member of the League of Nations, Lithuania considered it of great importance to know the reply of that Court.

M. Hanotaux desired to give the Council information on whether it was possible for it to refer one of its decisions to the Permanent Court of International Justice for an opinion.

When this question of competence had been discussed at the Peace Conference, M. Larnaude had submitted, in the name of the French Government, an amendment to Article 14, to the effect that the Permanent Court of International Justice should be empowered to give a decision regarding any interpretation of the Covenant. This was now the point at issue. Signor Orlando for Italy, and Lord Robert Cecil for the British Empire, had thought that this amendment was dangerous, and that it was best that the Council should be left the task of solving any difficulties regarding interpretation, since it had to apply the Covenant in practice. The Commission had adopted this point of view and had therefore rejected M. Larnaude's amendment.

M. Galvanauskas replied that there was nothing to prevent any question being submitted to the Permanent Court. If it considered that it was not competent to deal with it, it could say so. He saw no practical difficulty in the way of the Council.

M. Hymans concluded by stating that it was incontestible that the Council was competent to make its recommendation of February 3rd, 1923, and there was no need to request the opinion of the Permanent Court of International Justice on the matter.

The Council agreed with M. Hymans' conclusion.

M. Galvanauskas asked that the request submitted by the Lithuanian Government to the Council should be placed on the agenda of the next Assembly.

SECTION III.

The Memel Problem and its Settlement according to the decision of the Conference of Ambassadors of February 17th, 1923, transferring Sovereignty over the Territory to the Lithuanian Republic.

By a decision under date of February 17th, 1923, the Conference of Ambassadors formally transferred to Lithuania "sovereignty" over the territory of Memel, subject to certain conditions, the details of which can be studied in the attached documents.

A more exhaustive statement of the historical, political, ethnographical and economic grounds upon which the Lithuanian Republic has all along based its claim to the Memel region will be found in a pamphlet entitled "The Memel Problem," published early in 1923 by the Lithuanian Information Bureau. There was also given a review of the Memel rising of January, 1923, and its causes.

Actually the justice of the Lithuanian claim to Memel was never from the first in serious dispute, the Allied and Associated Powers themselves, in their reply of June 16th, 1919, to the German Delegation at Versailles, having affirmed this claim in most emphatic language. Ostensibly, therefore, any delay in implementing a virtual undertaking to transfer Memel to Lithuanian jurisdiction was due to the then alleged indeterminate status of the Lithuanian Republic. Pending determination of that status the administration of the region was confided to the French as delegates on behalf of the Supreme Council, subsequently re-styled the Conference of Ambassadors.

In accepting the foregoing engagement, Lithuania naturally concluded that on her formal *de jure* recognition as an independent State on December 20th, 1922, the Memel Territory would be transferred to her forthwith. She therefore waited in eager expectancy, but nothing of the kind happened.

On the contrary, the true motives by which the French High Commission was inspired had speedily manifested themselves from the beginning in the open favouring of German alien elements avowedly working for the establishment of a so-called "Free-State," which, from the German standpoint, was to have been but the prelude to ultimate reversion of the region to the German Reich, and, from the French standpoint, the convenient preparation for the enforcement of a system which would have handed *de facto* control of the port to Poland, France's faithful ally. Working in conjunction, Franco-Polish policy clearly aimed at the economic and political investment or blockade of Lithuania from north, south, east and west. Already Poland's unlawful seizure of the Vilna territory and her treaty with Russia had achieved the desired southern and eastern investment; through an entente with Latvia she hoped to accomplish similar aims from the north; and a settlement of the Memel problem along the lines foreshadowed in the so-called "Free State" policy would undoubtedly have completed Lithuania's investment from the sea, *i.e.*, from the west *viâ* Memel.

The Memellanders' realization of the true trend of this policy, and their emphatic disinclination to become subject to a virtual Polish domination, were obviously among the more important stimuli of the January rising, which serve, as a rude but timely reminder to Western Europe that self-determination is not merely a euphonious catchword, but a vital principle which makes even the smaller nationalities unwilling to be used simply as pawns in the game of international diplomacy.

It cannot be doubted that the vigour of the Memellanders' resistance to the pursuance of Franco-Polish ends at their expense, astonished the Entente and induced it, in tardy deference to an overwhelming expression of public opinion, to consider the propriety of

fulfilling the engagement contained in its reply of June 16th, 1919, already mentioned; hence on the liquidation of the Memel rising the Allied decision of February 17th, 1923.

The announcement of this decision was followed by the convocation at Paris of a meeting between the Lithuanian and Memel delegates and the Conference of Ambassadors for the elaboration of an organic statute for the territory, and the conclusion with Lithuania of a convention in conformity with the Conference's decision. These negotiations are still proceeding at the time of writing (May, 1923).

As will be seen from reference to the appended documents, the draft of the Memel Convention proposed by the Ambassadors' Conference consists of 50 articles. In the reply of the Lithuanian Delegation to this remarkable document will be found a more or less exhaustive exposition of the objections to its unqualified acceptance by the Lithuanian Government. It may, however, be said here that the Convention, as it stands, renders what is called Lithuanian "sovereignty" over the Memel region a meaningless term, devoid of concrete reality. The Lithuanian Delegation has experienced no difficulty in showing that this draft Convention creates for the Memel Territory a statute which "approximates its relations with Lithuania to those between two States joined by an actual union and which, in certain respects, even creates in the Memel Territory a situation recalling that of the free city of Danzig." Considering that the entire question is still *sub judice*, with prospects of ultimate settlement, we refrain from any detailed criticism of the draft Convention.

XXXV.

(Translation.)

VERBAL NOTE TENDERED TO THE LITHUANIAN GOVERNMENT ON FEBRUARY 4TH, 1923, BY THE ALLIED REPRESENTATIVES AT KAUNAS.

The Germano-Russian *démarches* have for object to incite the Lithuanian Government to oppose the Governments of the Entente. Fear of the Allied Governments prevents Germany from attacking Poland, but Berlin hopes that an ill-considered attitude on the part of the Lithuanian Government will create the general disorder which it has in view. In case Lithuania should remain at Memel while still being in opposition to the Powers of the Entente, the German Government, which would then be certain of not encountering resistance from the Allies, would easily be able to retake the territory. It would be otherwise if the Memel Territory were attributed to the Lithuanian Government thanks to a decision emanating from the Allied Governments. In that case, Germany would hesitate and reflect before embarking upon an attack directed against Lithuania and the object of which would be to recover the Territory from her.

In the event of Lithuania continuing not to lend her co-operation to the Powers, this attitude would be still more incomprehensible, since the sole result which it would entail would be to trammel the Allied Governments in the decision which they desire to take on the Territory and which would realize the aspirations of the Lithuanian Government. It is certain that the decision of the Allied Powers will transfer the sovereignty of Memel to Lithuania with the sole conditions of autonomy and the free exercise of river and maritime transit. In several of its declarations the Lithuanian Government has, in fact, recognized the necessity for these conditions. It is not only the Italian Government, as has been stated in Rome, which is favourable to this solution and to its adoption within a very brief interval; all the Allied Governments, and the French Government in the first place, share the same opinion. Also it is essentially to the interest of the Lithuanian Government that this transfer of sovereignty should be accomplished in a solemn manner, with calm and order, and that the Powers which are in charge of it should be able to accomplish this act with entire liberty and justice, in conformity with the authority which they hold. The Lithuanian Government will understand this point of view.

Guided by the true interests of the country, the Lithuanian Government is surely in a position to effect the execution of the demands which have been made upon it. If the bands are dispersed, if the armed Lithuanian elements are withdrawn, and if the elements of the Territory which are not compromised form part of the provisional Government, the Allies would at once consider that the authority of which they are the depositories has been restored. It is important for the Lithuanian

Government not to compromise such a result, since it would be possible for it quickly to obtain a decision which would give it a juridical title which could not be contested. By compromising itself, besides opposing the Allied Governments, it would itself be the actual instrument of destructive policy and of disorder, the sole final result of which would be to deprive Lithuania of the Territory.

These considerations, which are those of the French Government, fully correspond to those of the other Allied Governments.

XXXVI.

DECISION OF THE CONFERENCE OF AMBASSADORS ON THE SUBJECT OF MEMEL.

Paris, February 17th, 1923.

The British Empire, France, Italy and Japan, signatories with the United States of America, as the Principal Allied and Associated Powers of the Treaty of Peace signed at Versailles on June 25th, 1919;

Considering that according to the terms of Section X., "Memel," Article 99 of the said Treaty, it has been stipulated: "Germany renounces in favour of the Principal Allied and Associated Powers all rights and titles over the territories included between the Baltic, the north-eastern frontier of East Prussia as defined in Article 28 of Part II. (Boundaries of Germany) of the present Treaty and the former frontier between Germany and Russia;

"Germany undertakes to accept the settlement made by the Principal Allied and Associated Powers in regard to these territories, particularly in so far as concerns the nationality of the inhabitants."

Considering that Memel and the neighbouring region have been detached from Germany by reason of their ethnic and economic ties with the Lithuanian territories;

Considering that, on the occasion of the signature of the Treaty of Versailles the statute of the Lithuanian territories had not been definitely determined; that the Lithuanian Republic was recognized on December 20th, 1922; that there is thus ground for authorizing between the Memel Territory and Lithuania a union to which nothing is any longer opposed to-day;

Considering however, that the Memel Territory and Lithuania have hitherto been separated and moreover subjected to a different sovereignty and government; that it is therefore necessary to provide the said territory with an autonomous administration and a representative régime, while it will be given institutions respecting the modern principle of equality of treatment between all the inhabitants, whatever their race, language and religion may be, as well as equality of treatment between nationals and foreigners as regards the exercise of civil rights and as regards commerce;

Considering that the Memel region is from the economic point of view the natural outlet of the neighbouring Polish and Lithuanian regions and that it is necessary to organize for the profit of these regions, liberty of maritime, riverine and land transit in conformity with the principles consecrated in Article 23 of the Covenant of the League of Nations and in the dispositions of Chapter 3 of Part 12 (Ports, Waterways and Railways) of the Treaty of Versailles, relating to the Niemen;

Considering that, in conformity with the practice previously followed for territories already detached from Germany, it is equitable to leave to the charge of the transferred territory the expenses to which the administration and occupation of the said territory have given rise in the wake of Germany's renunciation of sovereignty; that it is necessary to assure the application of Articles 254 and 256 of the Treaty of Versailles relative to the charges resulting for the Powers assignees from the acquisition of territories detached from Germany, *decide to transfer to Lithuania sovereignty over the Territory of Memel under the following conditions:*

1. Renunciation in favour of Lithuania of all rights and titles over the Territory described in Article 99 of the Treaty of Versailles of June 28th, 1919;

2. Establishment over the Territory of Memel of a régime of autonomy and popular representation, as well as of institutions which respect, with official recognition of the two languages in use, the principle of equality among all the inhabitants of whatever race, language or religion, and equality of treatment between nationals and foreigners as regards the exercise of civil rights and commerce;

3. Organization of freedom of maritime, riverine and land transit in such a manner as to consider the interests of the Lithuanian and Polish regions for which Memel is the natural outlet, and creation of an economic administration of the port of Memel appropriate to its development and affording, particularly, through the establishment of a free zone and through the presence of qualified representatives, every guarantee that the said interested regions of Lithuania and Poland shall find in this port facilities for their commerce;

4. Reimbursement by the Territory of Memel, under the guarantee of Lithuania, of the expenses advanced in the zone, of the Chief of its administration and of its occupation and not yet recovered;

5. Transfer to Lithuania or to the Territory of all goods and properties which belonged to the German Empire or to other German States in the said territory, Lithuania being required in her name and in the name of the Territory to assume the charges contemplated by Articles 254 and 256 of the Treaty of Versailles;

6. On the acceptance by Lithuania of sovereignty over the Territory of Memel under the foregoing conditions, the elaboration at Paris by the Conference of Ambassadors, with the co-operation of the representatives of Lithuania and of the interested Territory, of an organic statute of the Territory of Memel, and the conclusion with Lithuania of a convention in conformity with the present decision.
POINCARÉ.

Kovno, February 18th, 1923.

MR. MINISTER,

THE undersigned representatives of Great Britain, France, and Italy, referring to the declaration which they had the honour to make this morning to Your Excellency when handing you the text of the Decision adopted by the Conference of Ambassadors on the subject of the Memel Territory, beg you to be so good as to acknowledge receipt of this communication and enable them as soon as possible to notify the Allied Governments the date on which the Lithuanian Government will be in a position to send to Paris the Representative or Representatives whose appointment is contemplated by the final paragraph of the decision with a view to the elaboration of the organic Statute and the conclusion of a convention.

They beg Your Excellency to be so good as to accept the assurances of their sentiments of very high consideration.

G. PADOVANI. J. C. T VAUGHAN. C. MACCHIORO-VIVALBA.

To His Excellency,

Monsieur ERNEST GALVANAUSKAS,
President of the Council,
Minister for Foreign Affairs.
Kovno.

XXXVII

THE LITHUANIAN GOVERNMENT'S ACKNOWLEDGMENT OF DECISION.

No. 2778.

Kaunas, February 19th, 1923.

MR. DELEGATE,

IN acknowledging the receipt of the collective letter addressed by the Representatives of Great Britain, France and Italy under date of February 18th, I have the honour to inform you that the Lithuanian Government has taken note of the decision of the Council of Ambassadors under date of February 17th, concerning the Memel Territory.

As regards the despatch of Delegates by the Lithuanian Government to Paris, I shall have the honour of informing you thereof as soon as I have made arrangements with the Provisional Government of Memel.

I beg you to accept, Mr. Delegate, the assurances of my very high consideration.

E. GALVANAUSKAS,
President of the Council,
Minister for Foreign Affairs.

1. To Mons. G. PADOVANI,
French Delegate in Lithuania.

To H.E. Mons. J. C. T. VAUGHAN,
Envoy Extraordinary and Minister Plenipotentiary of Great Britain.

3. To H.E. Mons. G. MACCHIORO-VIVALBA,
Minister Plenipotentiary of H.M. the King of Italy.

XXXVIII.

LITHUANIAN DELEGATION'S EXPLANATION OF ITS POINT OF VIEW ON APPLICATION OF PRINCIPLES SET FORTH IN THE DECISION OF THE CONFERENCE OF AMBASSADORS.

At the moment of entering upon work on the organic statute of the Memel Territory, the Lithuanian Delegation deems it useful to explain its point of view on the application of the principles set forth in the decision of the Conference of Ambassadors, under date of February 16th, 1923.

The autonomous Diet of the Memel Territory should be elected on democratic bases, by universal, equal, direct and secret suffrage for all citizens of the Territory, male and female.

The Diet of the Memel Territory will have the right to legislate on questions of local administration, local finances, public instruction and religions, and justice, outside the organization and jurisdiction of the Supreme Tribunal of the Republic, and of social welfare and the protection of labour.

Legislative competence in all matters not expressly attributed by the present act or by another Lithuanian Law, to the Diet of the Memel Territory belongs to the Diet of the Lithuanian Republic.

Legislative authority of the Diet of the Memel Territory is exercised in conformity with the principles set forth in the Lithuanian Constitution.

So far as the necessity for uniform regulation makes itself felt, the Lithuanian Diet has the right to legislate on (1) public welfare; (2) protection of order and public security in the Memel Territory.

The Lithuanian State may establish principles through legislative channels for the establishment and method of collection of taxes in the Memel Territory, in so far as they are necessary to prevent :

1. Any damage to the receipts or to the commercial relations of the Lithuanian State,
2. Any double imposition,
3. Any excessive or prohibitive charge on the utilization of means of communication or of toll establishments,
4. Any fiscal injury affecting merchandise imported with regard to indigenous products, or
5. Any bounty on exportation,

or in order to safeguard important social interests.

Control over the legislation of the Diet of Memel is exercised by the Governor of the Memel Territory appointed by the President of the Republic.

All laws voted by the Diet of the Memel Territory are presented to the Governor.

The Governor must within a specified time after the presentation of a law by the Diet either sanction such law or submit it for the sanction of the Government of the Republic or finally refuse his sanction.

A law sanctioned by the Governor may be invalidated by the Government of the Republic within a fixed period.

The Government of the Republic must decree within a fixed period on the laws which are submitted for its sanction by the Governor.

In case the Governor does not approve a law voted by the Diet, he may either simply refuse his sanction, or return the law to the Diet attaching the amendments which he recommends.

The Diet may, within a fixed period after the declaration of refusal to sanction, appeal therefrom to the Government of the Republic, which must decree within an additional fixed period.

In case the Governor proposes to the Diet certain amendments to the law and agreement on their subject is not established between the Diet and himself within a fixed period, the Diet may appeal therefrom to the Government of the Republic which, in the same period, grants or refuses its sanction to the law.

The Governor of Memel appointed by the President of the Republic is the Chief of the executive authority of the autonomous Territory.

In order to assist him in the exercise of executive authority, the Governor of Memel chooses a Directory enjoying the confidence of the Diet and alone responsible to it.

XXXIX.

(Translation.)

FIRST DRAFT OF MEMEL CONVENTION WITH LITHUANIA PROPOSED BY THE CONFERENCE OF AMBASSADORS.

ARTICLE I.

The Britannic Empire, France, Italy and Japan, signatories with the United States of America, as the Principal Allied and Associated Powers, of the Treaty of Peace of Versailles, transfer to Lithuania, subject to the conditions hereafter stipulated, all the rights which they hold from Germany, by virtue of Article 99 of the Treaty of Versailles, over the territory comprised between the Baltic Sea, the North-East frontier of Oriental Prussia described in Article 28 of the said Treaty, and the old frontiers between Germany and Russia, the said territory being designated in the present Convention under the style of the Territory of Memel.

ARTICLE 2.

The Territory of Memel constitutes, under the sovereignty of Lithuania, an autonomous territory.

The Lithuanian Government will be represented at Memel by a Commissioner, who will have all powers to settle with the authorities of Memel all questions affecting both Lithuania and the Territory of Memel.

ARTICLE 3.

The protection of citizens of the Territory of Memel will be guaranteed, in foreign countries, by the Lithuanian Government; the exequatur will be given by that Government to foreign Consuls, after agreement with the authorities of the Territory.

ARTICLE 4.

The following questions are within the competence of the Government of the Territory of Memel : Exercise of religion; public instruction; public assistance and hygiene; social welfare; ways of communication (with the exception of State Railways); admission and sojourn of foreigners; maintenance of public order; civil, commercial, and criminal legislation; justice; customs duties; exploitation of the products of the public domain; regulation of navigation in the waters of Memel; registration of commercial buildings.

The administrations of the district and the municipal administrations retain their present prerogatives.

ARTICLE 5.

It pertains to the Government of Memel to determine the customs regime of the territory; commercial treaties relative to the territory will be negotiated by the Lithuanian Government in collaboration with the Government of Memel.

ARTICLE 6.

The laws and regulations in force in the Territory on January 1st, 1923, may be modified only after the various executive, legislative, and judicial organs, contemplated by the present Convention, have entered upon their duties.

ARTICLE 7.

The judicial organisation existing in the Territory on January 1st, 1923, is provisionally maintained.

A Law of Memel will subsequently regulate all questions relative to the organisation and functioning of justice. The judges shall be permanent and may be dismissed only on the conformable motion of the highest judicial instance of the Territory decreeing as a Supreme Council of discipline of the Bench.

ARTICLE 8.

The legislative power in the Territory of Memel is exercised by two Chambers. The laws are promulgated by the Directory contemplated in Article 13.

The right of initiative belongs equally to both Chambers and to the Directory.

ARTICLE 9.

The members of the first Chamber are elected for four years by universal, direct and secret suffrage, on the basis of proportional representation and in the ratio of one deputy to 5,000 inhabitants or, in the town of Memel, to a fraction of 5,000 inhabitants.

The first Chamber may be dissolved by the Directory after a conformable vote of the second Chamber.

ARTICLE 10.

The members of the second Chamber are elected for five years by the district administrations and by the representatives of the economic interests of the Territory, as hereafter specified.

Two members are elected for the Town of Memel by the Municipal Council (Magistrat) and the Municipal Assembly (Stadtverordneten Versammlung); six members are elected by the assemblies of the District (Kreistage), in the proportion of two for each of the districts of Memel country, of Heydekrug and Pegegen; two members are appointed by the Chamber of Commerce; two members by the Chamber of Agriculture; one by the Chamber of Trades; three by the workers' syndicates, one by the syndicate of fishermen.

ARTICLE 11.

The Chambers are convoked and adjourned by the Directory; their sessions are simultaneous. They hold annually at least one ordinary session.

ARTICLE 12.

Each of the Chambers establishes its own rules; it elects its own Chairman and officers.

ARTICLE 13.

No member of one of the Chambers shall be prosecuted or called to account, in any way, in the Memel Territory or in Lithuania for speeches, opinions or votes given in one of the Chambers or one of their Commissions.

No deputy shall, during a session, be arrested or prosecuted before repressive tribunals, save with the authorisation of the Chamber to which he belongs, except in case of *flagrante delicto*.

ARTICLE 14.

The executive power is exercised by a Directory comprising seven members at most, including the President. The President is appointed by the two united Chambers and chooses the members of the Directory.

The Directory is responsible to the Chambers.

The Directory appoints and dismisses officials under conditions which shall be defined by their bye-laws.

ARTICLE 15.

The constitution of Memel, such as it results from the foregoing Articles 7 and 13, may be altered only by a law adopted by a two-thirds majority in both Chambers.

During a period of ten years dating from the coming into force of the present Convention, the assent of the Council of the League of Nations is further necessary.

ARTICLE 16.

The Government of Memel and the Lithuanian Government shall agree on the conditions on which the population of the Territory shall be allowed to send deputies to the Diet of Kovno. The Memel deputies shall have the right to participate in all deliberations concerning questions other than those which are contemplated in Article 4 of the present Convention.

ARTICLE 17.

The former German citizens, more than 18 years of age, on the coming into force of the present Convention, residing in the Territory of Memel on January 1st, 1923, shall acquire *ipso facto* Lithuanian nationality.

The following may choose Lithuanian nationality, on condition of being liberated from all other nationality :—

(a) Any person over eighteen on the coming into force of the present Convention, born in the Territory and having resided there for more than ten years.

(b) Any person over eighteen on the coming into force of the present Convention, to whom a permanent residential permit (*permit de séjour*) has been granted by the Inter-Allied Administration, provided that he shall have resided in the Territory at least a year on the coming into force of the present Convention.

The persons contemplated in paragraph 1 as well as those having chosen under the conditions contemplated in paragraph 2, shall, *ipso facto*, acquire the qualification of citizens of Memel.

ARTICLE 18.

Any citizen of Memel may, within two years from the coming into force of the present Convention, choose German nationality.

Persons having exercised the foregoing right of option, must, in the two following years, transport their residence to Germany.

They shall be free to retain the immovable property which they possess in the Territory, and may carry away their movable chattels of any kind. There shall not be imposed upon them on this account any fee or tax, either of departure or entry.

ARTICLE 19.

Within the same period and under the same conditions, the citizens of Memel may renounce the status which they possess in this capacity if they remove their residence to Lithuania.

ARTICLE 20.

Subject to the provisions of the Lithuanian law concerning the acquisition of Lithuanian nationality, a law of Memel shall define, within the limits of the Lithuanian law on nationality, the conditions on which, in the future, the capacity of a Memel citizen shall be acquired.

ARTICLE 21.

Married women shall share the status of their husbands, and the children under eighteen years of age shall share the status of their parents in everything that concerns the application of the provisions of the foregoing Articles 18 and 19.

ARTICLE 22.

Citizens of Memel, over twenty years of age, may alone take part in the elections for the Chambers, as also for the district assemblies and the communal assemblies; they are alone eligible.

ARTICLE 23.

All citizens of Memel, without distinction of race, language or religion, are equal before the law, and especially they have equally access to public offices.

ARTICLE 24.

The citizens of Memel shall not be subjected to any compulsory military service.

ARTICLE 25.

The Lithuanian language and the German language shall be granted the same right as official languages in the Territory of Memel. No restriction shall be enacted against the free usage, by any citizen of Memel, of either language, whether in private relations, or commerce, or in matters of religion, the press or publications of any kind, or at public meetings; the use of both languages shall be equally permitted, orally or in writing, before the courts.

The same facilities shall be given for the teaching of the two languages in the public schools.

ARTICLE 26.

Liberty of meeting and of association, liberty of conscience, liberty of the press and of instruction are guaranteed to all citizens of the Territory, subject to the observation of the necessary rules for the maintenance of public order.

ARTICLE 27.

Private property shall be respected; there shall be no expropriation, if it is not on account of public utility, and in conformity with the laws as well as the provisions of the present Convention.

The right to possess is recognised, in principle, for associations including religious and charitable organisations.

ARTICLE 28.

The subjects of foreign Powers shall enjoy throughout the Memel Territory the same treatment as citizens as regards civil rights and the exercise of commerce or industry.

ARTICLE 29.

No citizen of Memel may be disturbed on account of his political attitude since July 28th, 1914, until the coming into force of the present Convention.

ARTICLE 30.

Liberty of transit by sea, by water and by land shall be guaranteed across the Memel Territory, in conformity with the rules on liberty of transit adopted by the Conference of Barcelona on April 14th, 1921.

The Lithuanian Government shall guarantee on the same conditions in Lithuanian territory properly speaking, freedom of transit by water and by land to and from the territory of Memel.

The authorities of Memel, the interested States and, in lieu of them, the Port Commission shall be qualified to report to the Council of the League of Nations any infraction of the present article.

ARTICLE 31.

Within six months from the coming into force of the present Convention, the Government of Memel shall cause a law to be passed according to the terms of which raw timber imported into the territory in order to be sawn with a view to exportation, shall be admitted free of all duties, and may be thus re-exported without being subjected to any impost or tax whatsoever, with the exception of a duty not exceeding 1 per cent. *ad valorem* which may be collected on entry and departure.

ARTICLE 32.

The port of Memel shall be regarded as a port of international interest and the recommendations adopted by the Conference of Barcelona on concerning ports subject to the international regime shall be here applied in all their scope, where they do not conflict with the provisions of the present Convention.

ARTICLE 33.

The port, the free port and the waterways formerly belonging to the State shall be administered and exploited by the territory under the authority of a Commission of the port.

This Commission shall comprise a member appointed by the Government, a member appointed by the Polish Government, and a Chairman designated by the Council of the League of Nations.

Should the votes be equally divided, the President shall have the casting vote.

The delegates of Memel, Lithuania and Poland shall be remunerated by their respective Governments; the salary of the Chairman shall be fixed by the Council of the League of Nations and paid a fifth by Memel, the balance being paid, in equal portions, by Lithuania and Poland. The expenses of the Commission shall be supported by the Territory of Memel.

The Chairman and members of the Commission shall enjoy personally diplomatic privileges and immunities.

ARTICLE 34.

The mission of the Commission shall be :—

(a) To guarantee to all States, whose commerce shall cross the territory in transit, the free use of the port and of the free port, both for import and export, subject to the observation of the regulations concerning the handling of explosives;

(b) To see that foreign subjects freely enjoy in the port, including the free port, the rights that are guaranteed them by the preceding Article 28, particularly as regards the use or ownership of all ground, buildings or warehouses necessary for their commerce;

(c) To decide any dispute concerning the use of the free port and of the port in general;

(d) To make sure that the port answers to the needs of the trade of the States importing and exporting merchandise through Memel;

(e) To see to the upkeep and creation of the necessary warehouses;

(f) To make sure, in agreement with the local authorities, of the development of the free port according to the needs of commerce.

It shall pertain to the Commission of the port to propose improvements which it may deem necessary and to give its opinion on the improvements which may be proposed.

The Government of Memel shall place at the disposal of the Commission of the port all premises or buildings which may be necessary to ensure its working and, generally, shall provide it with all the necessary facilities which shall enable it to carry out its mission under suitable conditions.

ARTICLE 35.

The upkeep and development of the port shall be assured by Memel.

The Government of Memel undertakes, if it is invited by the Commission of the port, to set aside every year a portion of the net customs receipts, not exceeding a quarter of those receipts, for the upkeep and development of the port and of its services.

ARTICLE 36.

The Lithuanian Government may make use of the port of Memel for its national marine.

ARTICLE 37.

Lithuania accepts, both in her own name and in the name of the Territory of Memel, all provisions relative to the internationalisation of the Niemen, as they are contained in Articles 331 to 345 of the Versailles Peace Treaty.

In case the international Commission contemplated in Article 342 of the said Treaty should be constituted, the Lithuanian Government shall confer with the Government of Memel for the appointment of a Lithuanian delegate to this Commission and for the instructions to be given to this delegate.

ARTICLE 38.

The property situated in the territory which, on January 10, 1920, belonged to the German Empire or to the German States, is transferred to the Territory of Memel, with the exception of the State railways and properties attributed to the postal, telegraph, and telephone services, which shall be transferred to Lithuania. The Territory of Memel and Lithuania shall assume, respectively, as regards these properties, the obligations contemplated by Articles 254 and 256 of the Versailles Peace Treaty.

ARTICLE 39.

An agreement between the Lithuanian Government and the Government of Memel shall regulate the conditions under which the buildings necessary for the working of the public services, other than those contemplated in Article 38 and which Lithuania should instal at Memel, shall be placed at the disposal of the Lithuanian Government.

ARTICLE 40.

The tariffs applied on the railways to travellers and merchandise, the postal, telegraph and telephone charges shall not be higher than the tariffs applied and the charges collected in Lithuania.

The tariffs applied on the Lithuanian railways to travellers and merchandise proceeding to or from the Memel Territory shall in no case be higher than the Lithuanian internal tariffs.

The Commission of the port of Memel shall be qualified to report to the Council of the League of Nation all infractions of the preceding articles.

ARTICLE 41.

The Lithuanian Government undertakes to recognize the rights acquired by officials and employees of the railways, posts, telegraphs, and telephones and to retain the Memel officials and employees.

The Memel officials and employees in the service of the Lithuanian administration shall be subject to the same rules and shall enjoy the same advantages as the Lithuanian officials and employees.

ARTICLE 42.

The Government of Memel undertakes to recognize the rights acquired by the officials and employees on duty in the territory on January 1st, 1923.

In the future, the officials and employees of the Territory shall be recruited as far as possible among the citizens of the Territory.

ARTICLE 43.

Judgments rendered respectively by the Memel tribunals and the Lithuanian tribunals shall be executory respectively in Lithuania and in the Territory of Memel.

Warrants of arrest delivered by the authorities of Memel and of Lithuania shall be executory respectively in Lithuania and the Territory of Memel.

ARTICLE 44.

The citizens of Memel shall enjoy in Lithuania all the civil rights recognised for other Lithuania subjects.

Lithuanian subjects who are not citizens of Memel shall enjoy, in the Territory of Memel, all the civil rights recognised for the citizens of Memel.

ARTICLE 45.

The Territory of Memel undertakes, with the guarantee of Lithuania, to reimburse the Allied and Associated Powers for the expenses incurred by the latter for the administration and the occupation of the Territory, as well as for its delimitation.

(The second part of Article 45, which will be communicated later, will define under what conditions reimbursement shall take place).

ARTICLE 46.

The elections for the formation of the two Chambers contemplated in Articles 9 and 10 preceding shall take place within six weeks from the date of the coming into force of the present Convention.

All inhabitants of the Territory of Memel, over twenty years of age, who on January 1st, 1923 enjoyed the qualification of Memel subjects, shall have the right to take part in these elections.

ARTICLE 47.

Lithuania undertakes not to alienate, either wholly or in part, the rights which are recognised for her by the present Convention.

In case the political statute of Lithuania should be altered, it will pertain to the Council of the League of Nations, on the demand of one of the Allied Powers signatory to the present Convention, to take, as regards the sovereignty over the Memel Territory, or the regime of the said Territory, such measures as they may deem expedient.

ARTICLE 48.

In the event of a dispute between the Lithuanian Government and the Government of Memel regarding the application of this Convention, the Chairman of the Commission of the port may offer his good offices to the two parties with a view to the settlement of the said dispute. The parties shall have an interval of 30 days to make an appeal from his decision to the Council of the League of Nations. On the expiry of this interval, this decision shall become definitive.

In default of intervention of the Chairman of the Commission of the port, accepted by the two parties, either of the latter may bring the dispute before the Council of the League of Nations.

ARTICLE 49.

The provisions of the present Convention are placed under the guarantee of the Council of the League of Nations; subject to special stipulations of the present Convention they may not be altered save with the consent of the said Council and in agreement between the Government of Memel and the Lithuanian Government.

ARTICLE 50.

The present Convention shall come into operation on its ratification by the Lithuanian Government.

XL.

STATUTE REGULATING THE ATTACHMENT OF THE MEMEL TERRITORY TO LITHUANIA.

The following are the most important provisions of the Statute regulating the attachment of the Memel Territory to Lithuania, already accepted by both parties :—

1. The Memel Territory is an autonomous portion of the Lithuanian Republic.
2. Citizens of the Memel Territory are concurrently citizens of the Lithuanian Republic.
3. The local organs of autonomy are (1) the Territorial Council, and (2) the Territorial Directory.
5. The Territorial Council is elected for three years by universal suffrage in the proportion of one deputy for every 5,000 inhabitants.
6. The Territorial Directory consists of at least three members; it is appointed and dismissed by the Territorial Council.
8. To the jurisdiction of the entire Republic pertain : Foreign Affairs, territorial defence, citizenship of inhabitants, finance, customs, communications, right of expropriation (but the Lithuanian Law of Agrarian Reform does not operate in the Memel Territory).
9. To the autonomy of Memel Territory pertain agriculture (with forests and fisheries) justice, religion, education, health, protection of labour and social welfare, and other matters not included in Article 6.

10. The Supreme Court is common to the entire Republic.

11. The inhabitants of other parts of the Lithuanian Republic or foreign residents may dwell in the Memel Territory and acquire immovable property there only with the consent of the Territorial Directory.

13. The former laws operating during the occupation of the Allied Powers, the German and Prussian State remain in force.

15. The initiation of laws belongs to the Directory and Territorial Council. The execution of the laws pertains to the Directory.

16. The Territorial Council ratifies the Estimates for the new year and confirms the accounts for the past year.

17. The President of the Republic may rescind the decision of the Territorial Council. These decisions acquire validity when the President of the Republic gives his assent.

18. The Government of the Republic includes a Minister for Memel Affairs, without portfolio, who is accepted and dismissed by the President of the Republic at the request of the Memel Territorial Council.

19. Memel Territory returns as many deputies to the Diet (Seimas) of the Lithuanian Republic as the laws of the Republic determine. These deputies have the same rights and obligations as others.

20. At least one representative of Memel Territory must sit on all commissions of the Diet in which questions concerning Memel Territory are settled; also on the Foreign Affairs Commission.

21. At least one member from the Memel Territory must sit in the Supreme Court, according to Article 10.

22-23. Higher officials are appointed by the President of the Territorial Council, with the consent of the Directory: while the Directory appoints the lower officials. Twenty-five per cent. of the officials may be non-territorial persons. The President of the Council may make further exceptions.

27. Territorial properties accrue either to the Lithuanian Republic or to the Territorial autonomous government, according to Article 8 and 9.

28. The Lithuanian Republic assumes the former debts and burdens of the Territory.

29. Revenues accrue either to the Lithuanian Republic or the Territorial autonomous government, according to Articles 8 and 9. Excise from commodities assessed in the Territory accrues to the Memel Territory. A portion of the customs duties is allotted to the Memel Territory according to the number of inhabitants.

31. The Lithuanian and German languages have equal rights. All officials and employees of the Territory must learn them.

33. These regulations may be amended by a resolution of two-thirds of all representatives of the Territorial Council.

XLI.

(Translation.)

REPLY OF THE LITHUANIAN DELEGATION TO THE FIRST MEMEL DRAFT CONVENTION.

The Lithuanian Delegation has studied with the greatest attention the draft Convention which has been communicated to it by the Conference of Ambassadors. Before entering into the discussion of the articles, it would like to-day to make a declaration on the draft as a whole relating—

1. To the statute of Memel;
2. To questions of transit;
3. To questions of reparations.

I.

The decision of the Conference of Ambassadors of February 16th submits to the Lithuanian Government, among other conditions of the transfer to Lithuania of sovereignty over the territory of Memel, the following conditions: "The *establishment* in the territory of Memel of a *régime* of autonomy and of popular representation." It will be easy for me to show that the draft Convention of March 25th goes far beyond an autonomy and creates for the Territory of Memel a statute which approximates its relations with Lithuania to those between two States joined by an actual union and which, in certain respects, even creates in the Memel Territory a situation recalling that of the free city of Danzig.

"The Lithuanian Government," says Article 2, paragraph 2 of the draft, "will be represented at Memel by a Commissioner who will have all powers to regulate with the authorities of Memel all questions simultaneously concerning Lithuanian and the Memel Territory." Beyond this article, there is no further

mention of the Lithuanian Commissioner in the draft of the Conference of Ambassadors. His prerogatives are not therefore defined by the project, save in a negative manner.

In fact, executive power in the Memel Territory is exercised, according to the draft, by a Directory, the President of which is elected by the Chambers (Article 14). And the laws voted by the Chambers are promulgated by the Directory itself (Article 8). The Commissioner of the Government takes no part either in the administration or in the legislation of the territory.

Such, however, is not the *rôle* which the representative of the Government, who ordinarily bears the title of Governor, plays in autonomous provinces. The Conference will permit me to remind it, in only a few words, that even in the English Dominions, which enjoy the greatest political liberty imaginable, the Governor appointed by the English Crown is the chief executive authority of the autonomous country and at the same time the controller of the legislative activity of the autonomous Diet. It is the English Governor who, according to the Canadian, Australian, and South African Constitutions, convokes and dissolves the Chambers. It is he who sanctions the laws, or refuses his sanction, or submits them to the sanction of the Government of Great Britain; it is the English Governor who chooses the Ministry responsible to the autonomous Diet.

The treaty between the Principal Allied and Associated Powers and Czecho-Slovakia of September 10, 1919, which grants the territory of the Ruthenes to the south of the Carpathians an autonomous Diet, introduces an analogous system. Contrary to the English system, it is not the Ministry chosen by the Governor, but the Governor himself who is responsible to the Diet. "The Governor of the Territory of the Ruthenes," says Article 11, "shall be appointed by the President of the Czecho-Slovakian Republic and shall be responsible to the Ruthenian Diet." It follows that, according to this system, the Governor appointed by the Czecho-Slovakian State is the Chief of the Ruthenian Government. It is the system which was formerly at the base of the juridical relations between Hungary and Croatia.

The system of the project of the Conference of Ambassadors is far removed from either of these two systems. The project is even in certain respects closer to the type of the Confederation than the Federal State, because if the population of the territory of Memel must participate in the common Diet of Lithuania the project of the Conference of Ambassadors does not contain one of the other traits essential to a Federal State. In fact, in the Constitutions of Federal States, we see not only provisions delimiting the competence between the Federal authorities and the authorities of the different States, but also articles providing organs charged with keeping the different authorities within their limits and annulling acts which encroach upon the rights of either.

Article 4 of the project properly fixes the competence of the Government of Memel Territory. But there is no provision in the project anticipating the consequences which would follow from an act of the Memel Government or a vote of the Memel Diet exceeding the limits of their competence. Since the project does not invest the Commissioner with the right of control which he possesses in autonomous countries, one would have the right to expect a provision giving to the Supreme Court of Lithuania the rights which, in the United States, belong to the Supreme Court and in Germany to the State Tribunal (Staatsgerichtshof).

The project does not specially deal with this question and one must therefore presume, on reference to Article 48, that it submits this class of disputes to the good offices of the President of the Commission of Memel Port or eventually to the decision of the Council of the League of Nations.

I may be allowed to observe that such an arrangement goes far beyond the guarantee of the Council of the League of Nations, under which the Convention is placed by Article 49 of the project. Thus acceptance of this latter article would oblige the Lithuanian Government, in case of disagreement with the Powers, to submit the case, by virtue of Article 12 of the Covenant of the League of Nations, either to arbitration, or to the Permanent Court of International Justice, or to the Council of the League of Nations. On the other hand, acceptance of Article 48 would make the Council a constant arbitrator of disputes, not only between Lithuania and the Powers but between Lithuania and her autonomous province of Memel. The Council of the League of Nations can be set up as compulsory arbitrator between Poland and the Free City of Danzig, which is however at the same time placed under the protection of the League. But Lithuania could not accept, without undergoing material injury in her sovereignty, such a *rôle* for the Council in legislating on disputes arising between her and her autonomous province.

I will in the next place draw attention to the fact that the project establishes only a certain number of provisions for the future Constitution of Memel. Indeed, the articles of this Constitution contained in Articles 7 to 13 of the Convention, cannot be modified save through a law adopted by a majority of two-thirds in both Chambers and—for a period of ten years—with the assent of the Council of the League of Nations (Article 15 of the project). The other articles of the Convention, which also contain provisions capable of figuring in this Constitution, for example, Articles 22 to 29 on the rights of citizens, cannot, according to Article 29, be changed save with the consent of the Council and after an agreement between the Government of Memel and the Lithuanian Government. Thus Articles 7 to 13—a very

important part of the future Memel Constitution—may be changed without the least participation of the Lithuanian Government, which is nevertheless a signatory of the Convention. One is led to ask if the articles of the Constitution not anticipated by the Convention could also be changed by the Diet of Memel without the least participation of Lithuania? These provisions of the project of the Conference of Ambassadors are contrary, not only to the idea of autonomy, the statute of an autonomous province having to be sanctioned by the central authority, but they do not coincide with the system of the Federal State. Thus Article 6 of the Swiss Federal Constitution declares: "The cantons are required to request from the Confederation the guarantee of their Constitutions. This guarantee is granted provided: (a) that these constitutions contain nothing contrary to the provisions of the Federal Constitution." Similarly, Article 17 of the new German Constitution indicated to the Countries the bases upon which they must build their Constitutions. The project of the Conference in this respect appears to raise the Memel Territory into a sovereign State in actual union with Lithuania.

Lastly, I must mention Article 4 of the project, which determines the power of the Government of Memel Territory, and to which there are several objections on our part. I shall only indicate in passing the attribution of the Customs, of *all* the taxes, and of the control over the entrance and residence of foreigners, which will come within the power of the autonomous province; I shall return to this point apart from the discussion of the article. I desire to-day to emphasize especially that the project takes no steps whatever to guard against the possibility of the acts of the Government or of the Memel legislation, accomplished in the sphere of their competence, being in conflict with the vital interests and safety of the Lithuanian State. I will explain.

The State cannot, in certain cases, renounce the right of legislation in regard to public well-being, or upon matters involving public order and safety, such as national defence.

On the other hand, granted that the levying of local taxes should be conceded to the Memel Territory, the Lithuanian Diet should however have the right to set forth the general principles for the settling and method of levying taxes in the Territory, inasmuch as this may be necessary in order to avoid harm being done to the Lithuanian State. We have elsewhere developed our point of view on this subject in our memorandum to the Conference of Ambassadors of the 26th March.

Such are the general observations which I permit myself to make in regard to the parts of the project relating to self-government. I reserve the right to make other observations when the Conference shall have passed to the examination of the articles. For the moment, therefore, I will limit myself to the following declaration: The Lithuanian Government has accepted the condition of the Conference of Ambassadors claiming autonomy for the Memel district. But it is not in any way whatever obliged to accept, in regard to its relations with this territory, a form of actual union which would deprive the Lithuanian Government of the exercise of part of its sovereign rights. The Lithuanian Government will never forget that it is a democratic Government, respecting the principles of self-government to the highest degree, and anxious to live in the best possible relations with the Memel citizens. It consents, then, to enter into examination of the propositions of the Conference, while formally reserving its right to propose any modifications to the project which may be deemed necessary in order to safeguard the sovereignty and legitimate interests of the Lithuanian State.

II.

May I now be permitted to submit to the Commission some observations relating to international transit and to the *régime* of the port.

Lithuania, who signed and ratified the Convention of Barcelona concerning freedom of transit and navigable waterways, can only greet with sympathy the suggestions of the Conference of Ambassadors contained in Article 30 of the Draft Convention. The Lithuanian Delegation, however, permits itself to make two remarks regarding freedom of transit across its territory.

The first comes from the fact that the administration of the ways of communication of general interest in the Memel Territory should belong to the Government of the Republic. It is, therefore, quite natural that the Lithuanian Delegation should deem it superfluous to mention, in regard to the question of transit, the Memel territory separately from the "Lithuanian territory properly called"; one single rule for all Lithuanian territory, including that of Memel, seems to it to be more in accordance with the state of the case.

Article XIII. of the statute on the freedom of transit shows the procedure to be followed with a view to the solution of all differences which may arise between the States signing the Convention of Barcelona, relating to its interpretation or application. The Lithuanian Delegation, which signed the said Convention, thinks it would conform with the decision of the Conference of Ambassadors of the 16th February, 1923, contained in the first part of paragraph 3, by keeping to the procedure defined in the above-mentioned Article XIII.

The provisions contained in Article 31 of the Draft Convention make it obligatory for the Memel Government, within a period of six months, to pass a law in the terms of which certain rights of manufacture shall be conferred upon the States sending logs in transit. These provisions exceed the limitations of the Barcelona Convention regarding freedom of transit, and cannot therefore be accepted by the Lithuanian Delegation, which considers these questions as falling within the competence of the Government of the Republic. It is, moreover, impossible for the Lithuanian Government to subscribe to a provision making it obligatory for the autonomous government of Memel to have a pre-arranged law passed by the Diet.

In virtue of the decision of the Conference of Ambassadors the Lithuanian Government will have to

(1) Establish in the port a free zone. This it does not oppose, on condition that it shall be equally accessible in the same degree to all the interested States.

(2) Create an administration, or an Economic Council, of the port, on which shall sit, with equal status, qualified representatives of the regions of which Memel is the natural outlet; that is to say, representatives of trade and industries directly interested in transport and transit *viâ* the port in question. This Economic Council of the port shall be called upon to give advice on all questions relating to traffic from or to these regions.

The Lithuanian Government can undertake nothing beyond these obligations. There is no trace in the decision of the Conference of Ambassadors of the 16th February of the provision of the draft Convention relating to an administration and an exploitation of the port, of the free port, and of the waterways in Memel territory, under the authority of a commission of the port comprising four members, one to be named by the Polish Government, and the President holding a casting vote, to be appointed by the Council of the League of Nations. On the contrary, in the first part of the decision of the 16th February, containing the reasons for the decision, the Conference of Ambassadors emphasized "that it is necessary to organise for the profit of these regions freedom of maritime transit . . . in conformity with the principles contained in Article XXIII. of the Covenant of the League of Nations."

Moreover, in order to realise the intentions of Article XXIII. of the Covenant, the Conference of Barcelona voted recommendations as to the ports submitted to an international *régime*, which did not pre-arrange any settled way of organising and administering these ports, which are each placed under the responsibility of the State which exercises sovereignty or authority over the port in question.

It is in this sense that the Lithuanian Government has interpreted the decision of the Conference of Ambassadors of the 16th February regarding the *régime* of the port of Memel. It persists in its conviction that the provisions relating to the future *régime* of the port of Memel should not exceed the limitations of the recommendations of the Conference of Barcelona.

As the Peace Conference stated, and, in its recent decision, the Conference of Ambassadors, the territory and port of Memel were separated from Germany "by reason of their ethnographical and economic ties with the Lithuanian territories," and also because the port of Memel is the only outlet for Lithuania to the sea. It is, therefore, natural that the Lithuanian Government should exercise in full the exploitation and administration of this port, furnishing, of course, all guarantees in conformity with the needs of modern economic life. In order that the port of Memel may meet the needs of Lithuanian commerce as well as those of the international traffic now started again by the renewal of relations with certain parts of South Russia, after their economic reconstruction, it is necessary to make important improvements by degrees, in order that it may be used by ships of greater tonnage, and, in general, become more suited to the needs of maritime transport. These improvements will need much capital. The Lithuanian Delegation cannot admit that it is possible to leave to the charge and responsibility of the autonomous Memel territory the costly administration of a port of such great public interest, as well as its maintenance and development.

Therefore the establishment of a Port Commission such as is provided in Article 33 of the Draft Convention, would be prejudicial to the sovereignty over Memel which the decision of the Conference of Ambassadors of the 16th February gave to Lithuania, and would even be contrary to the conditions formulated by the Powers represented at the Conference of Ambassadors.

Consequently, the Lithuanian Delegation has the honour to declare that it reserves the right, apart from the discussion of the Articles of the Draft Convention, to formulate proposals in conformity with the ideas which I have just expressed, and in conformity with the decision of the Conference of Ambassadors.

III.

The Lithuanian Delegation permits itself to express the opinion that it would be better to substitute for Article 38 of the Draft Convention provisions securing that the goods situated in the territory which,

on the 10th January, 1920, belonged to the Reich and the German States, shall be transferred to Lithuania as a consequence of the transference to that State of the sovereignty over the territory. Lithuania will assume, in so far as these goods are concerned, the obligations provided for in Articles 254 and 256 of the Versailles Peace Treaty, in the legitimate hope that account will be taken of the losses and damage suffered by Lithuania, one of the principal battlefields of the Great War. It is understood at the same time that the charges resulting from these two Articles shall be covered from the revenues of the autonomous territory in the proportion of the goods placed at the disposal of the autonomous Government of Memel.

The Lithuanian Delegation will permit itself to present its observations on the provisions of Article 45 of the Draft Convention when the second part of that Article, as well as the amount of the expenses in question, shall have been communicated to it.

(Translation.)

XLII.

REPORT OF THE MEETING HELD ON 13TH, APRIL, 1923, AT 5.30 P.M. BY THE SUB-COMMISSION CHARGED WITH THE DRAFTING OF THE STATUTE OF THE CONVENTION BETWEEN THE PRINCIPAL ALLIED POWERS AND LITHUANIA WITH REFERENCE TO THE STATUTE OF MEMEL.

There were present :—

M. MASSIGLI (France), Messrs. HUDSON and FRY (Great Britain), M. PILOTTI (ITALY), M. MIYAKOSHI (Japan), Messrs. GALVANAUSKAS and SIDZIKAUSKAS, assisted by M. MANDELSTAM (Lithuania), M. GAILIUS, assisted by Messrs. KRAUS, GRABOW, VON DRESLER and Dr. MAYER (Memel).

The sub-commission proceeded with the examination of the Draft Convention proposed by the Lithuanian Delegation at the preceding meeting, with indication of the modifications demanded by the Allied Delegations; it appeared from the discussion which took place that agreement existed provisionally on a large number of the articles of the draft, as they are represented in the attached annexe. On the other hand, the attached annexe shows on what articles, or on what point of a decided article, agreement could not be realised. The sub-commission declared that, with reservation of certain special points, disagreement mainly applied to the solutions requiring to be given to the following questions :—

- (a) System of Memel port.
- (b) Free zone of the port.
- (c) Customs facilities for the Memel territory.
- (d) Financial clauses.
- (e) Conditions under which foreigners may acquire immovable property at Memel.

The sub-commission, on the other hand, declared that the realisation of an understanding on these different questions would require still further prolonged discussions.

Taking into consideration, on the other hand, the wish expressed by the Lithuanian Delegation to resume contact with the Government of Kovno, and the wish of the Memel representatives to repair immediately to Memel, the sub-commission considered that in these circumstances it would be better to suspend their labours, after having stated on which points a provisional agreement had been reached. While accepting this procedure, the Allied Delegates clearly declared that it should remain understood that nothing had been changed for the moment in the juridical situation of the Memel territory, and that the Provisional Government of Memel was bound to do nothing which would run counter either to the arrangements of the Convention upon which a provisional agreement had been realised, or of the decision of the Conference of Ambassadors of 16th February, 1923, which had been accepted by the Lithuanian Government and the Provisional Government of Memel. The Lithuanian Delegation shared this point of view. The Allied Delegates added that the questions remaining in suspense could be settled only in conformity with the principles contained in the said decision which has been accepted by all the interested parties.

(Signed)

MASSIGLI.
HUDSON.
PILOTTI.

MIYAKOSHI.
GALVANAUSKAS.

(Translation.)

April 13th, 1923.

DRAFT OF CONVENTION WITH LITHUANIA.

(Position on April 13th after examination by the Drafting Sub-Commission.)

Article 1.

The Britannic Empire, France, Italy and Japan, signatories with the United States of America, as the Principal Allied and Associated Powers, of the Treaty of Peace of Versailles, transfer to Lithuania, subject to the conditions hereafter stipulated, all the rights and titles which they hold from Germany by virtue of Article 99 of the Treaty of Versailles, over the territory comprised between the Baltic Sea, the North-East frontier of East Prussia described in Article 28 of the said Treaty and as it results particularly from the letter addressed on July 18th, 1921, by the President of the Conference of Ambassadors to the German Embassy at Paris, and the former frontiers between Germany and Russia, the said territory being designated in the present Convention under the style of Territory of Memel.

Accepted.

Article 2.

The Territory of Memel constitutes, under the sovereignty of Lithuania, an autonomous territory.

Accepted.

The Government of the Lithuanian Republic will be represented at Memel by a Governor.

The Memel Delegation formulates a reservation and demands that the Minister without portfolio should be a citizen of Memel.

The Cabinet of Ministers of the Lithuanian Republic will include a Minister without portfolio for the affairs of Memel.

Article 3.

The following matters are within the competence of the authorities of the Memel Territory :

- 1st. Administration of the communes and districts.
- 2nd. Exercise of religion.
- 3rd. Public instruction.
- 4th. Public assistance and hygiene, including veterinary regulation.
- 5th. Social provision (protection of labour, labour law, etc.)
- 6th. Railways of local interest, with the exception of State Railways, roads).
- 7th. Regulation of sojourn of foreigners.
- 8th. Police.
- 9th. Civil, commercial, agrarian, forestry and criminal legislation.
- 10th. Justice.
- 11th. Direct and indirect taxes levied on the territory with the exception of consumption taxes.
- 12th. Administration of public properties belonging to the Territory of Memel.
- 13th. Regulation of rafting and navigation of the canals and on the waters of the Chicha, Jura, Minia and Wirwisch.
- 14th. Registration of commercial buildings of the territory.

Accepted.

The Allied Delegations and the Memel Delegation demanded the addition of these words to No. 8 : "And maintenance of public order." The question is reserved,

Lithuanian laws may extend to other matters the competence of the authorities of the Memel Territory.

Article 4.

For all matters which, according to the terms of Article 3, are not amenable to the authorities of the Memel Territory, the Lithuanian Republic is alone competent.

Accepted.

Article 5.

The Allied Delegations do not accept this text. The drafting of Article 5 remains reserved.

Subject to the provisions of the present Convention, the legislative, executive, and judicial powers of the Memel Territory shall be exercised in conformity with the principles established by the Lithuanian Constitution.

Article 6.

Accepted.

The provisions which the Lithuanian legislative authority shall adopt for the execution of Treaties and international Conventions shall be applicable to the Territory of Memel. The authorities of the territory of Memel shall be charged, within the limits of their competence, with the execution of these provisions.

Article 7.

Accepted.

The exequatur shall be given by the Lithuanian Government to foreign consuls at Memel, after consultation with the authorities of the Territory.

Article 8.

Accepted.

Passports shall be delivered to citizens of the Territory of Memel by the authorities of the Territory, in the name of the Republic and in conformity with the rules established by the Lithuanian Government. Passports shall mention the Lithuanian nationality of the bearer as well as his character of citizen of the Territory of Memel.

Article 9.

Accepted.

Legislative authority in the Territory of Memel is exercised by the Chamber of Representatives.

Laws voted by the Chamber must be promulgated by the Governor within 15 days, counting from the day when the law shall be submitted to him. The laws shall be countersigned by the President or a member of the Directory.

Article 10.

Accepted.

The members of the Chamber of Representatives are elected for three years by the citizens of the Territory of Memel, in conformity with the Lithuanian electoral law, and in the ratio of one deputy for 5,000 inhabitants, or by fraction exceeding 2,500 inhabitants. Citizens of the Territory of Memel are alone eligible.

Article 11.

Accepted.

The Chamber of Representatives assembles fifteen days after its election. During the following years of the legislature, it assembles on the fourth Monday of January in ordinary session: Ordinary sessions are of at least one month's duration.

The Chamber may besides be convoked in extraordinary session by the Governor in agreement with the Directory. The closing and adjournment of extraordinary sessions are pronounced by the Governor in agreement with the Directory.

The Chamber must be convoked by the Governor on the demand of at least one-third of its members.

The Chamber may be dissolved by the President of the Lithuanian Republic in agreement with the Directory. The elections for the new Chamber shall take place within an interval of not less than six weeks.

Article 12.

Accepted.

The Chamber itself establishes its own standing orders; it elects its Chairman and officers.

Article 13.

Accepted.

No member of the Chamber of Representatives shall be prosecuted or called to account, in any manner, in the Territory of the Republic, for speeches, opinions or votes given in the Chamber or in one of its Commissions.

No deputy shall, during a session, be arrested or prosecuted before the repressive tribunals save with the authorisation of the Chamber of Representatives, except in case of *flagrante delicto*.

Article 14.

Accepted.

There is created an Economic Council of the Territory of Memel comprising :—

1. The Chairman of the Directory.
2. The First Mayor (Oberbürgermeister) of the city of Memel.
3. The Chairman of the Chamber of Commerce.
4. A Chief of District (Landrat) chosen by the chiefs of districts of the Territory.
5. The Chairman of the Chamber of Agriculture.
6. The Chairman of the Cartel of Workers.

The Economic Council elects its Chairman and its officers.

Article 15.

Accepted.

The right of initiative belongs equally to the Chamber of Representatives, to the Directory and to the Economic Council.

Article 16.

Accepted.

Before being discussed by the Chamber of Representatives, every Bill must be presented to the Economic Council.

The Economic Council will express its opinion on Bills which shall be submitted to it within a period not exceeding a month.

Article 17.

Allied draft for 1 & 2.
.....exceed the competence of the authorities of the Territory or run counter to Article 5 above.

The Allied Delegations do not accept No. 3.

The President of the Republic has the right of veto with respect to votes of the Chamber of Representatives of the Memel Territory if those votes :

- 1st. Exceed the competence of the authorities of the Territory fixed in Article 3 of the present Convention;
- 2nd. Are contrary to the principles of the Constitution of the Republic.
- 3rd. Are at variance with important social interests.

Article 18.

Accepted.

The executive power is exercised by a Directory consisting of 7 members at most, including the Chairman. The Chairman is appointed by the President of the Lithuanian Republic and chooses the members of the Directory.

The Directory is responsible to the Chamber.

The Directory appoints and dismisses officials under conditions which will be defined by the law of officials which shall be elaborated by the authorities of the Territory of Memel.

Article 19.

Accepted.

The judges shall be permanent and may be removed only upon the formal decision of the highest judicial instance of the Territory, legislating as a Higher Council of discipline of the Bench.

Article 20.

Accepted.

The elections of deputies of the Territory of Memel to the Diet of Lithuania are conducted in conformity with the Lithuanian electoral law.

Article 21.

The Lithuanian Delegation demands that for officials the interval of option be shortened.

The Memel Delegation opposes this proposal.

The former German citizens more than 18 years of age on the coming into force of the present Convention, domiciled in the Territory of Memel on the date of January 10th, 1920, shall *ipso facto* acquire Lithuanian nationality.

The following may opt for Lithuanian nationality within an interval of six months from the coming into force of the present Convention and on condition of being liberated from or having lost all other nationality :

Accepted.

(a) Any person more than 18 years of age on the coming into force of the present Convention, born in the Territory and having resided there during more than 10 years ;

(b) Any person more than 18 years of age on the coming into force of the present Convention and to whom a permanent residential permit (*permit de séjour*) has been granted by the Inter-Allied administration, on condition that he shall have been established in the Territory at least a year since January 1st, 1922.

Persons contemplated in par. 1 as well as those having opted under the conditions provided in par. 2 shall *ipso facto* acquire the quality of citizens of Memel.

Article 22.

Accepted.

Any citizen of Memel, within an interval of two years from the coming into force of the present Convention, may opt for German nationality.

Persons having exercised the foregoing right of option must, in the following two years, transport their domicile to Germany.

They shall be free to retain the real estate which they possess in the Territory and may export their personal property of all kinds. There shall not be imposed upon them on this account any levy or tax either of exit or entry.

Article 23.

Accepted.

Subject to the provisions of the Lithuanian law concerning the acquisition of Lithuanian nationality, a law of Memel shall define the conditions on which in the future the capacity of citizen of Memel shall be acquired.

For Lithuanian subjects other than the citizens of Memel, the duration of domicile required for the acquisition of the capacity of citizen of Memel shall be the same as that fixed in Lithuania for the exercise of public rights.

Article 24.

Accepted.

Married women shall adopt the status of their husbands, and the children less than 18 years old, shall adopt the status of their parents for everything concerning the application of the provisions of the foregoing Articles 23 to 25.

Article 25.

Accepted.

The elections to the assemblies of communes and districts shall be conducted in conformity with the laws elaborated by the Chamber of Representatives. These electoral laws shall be inspired with democratic principles.

Article 26.

Accepted.

All the citizens of Memel, without distinction of race, language, or religion, are equal before the law, particularly all have equal access to public office.

Article 27.

Accepted.

The citizens of Memel shall not be subject to any compulsory military service until January 1st, 1933.

Article 28.

Accepted.

The Lithuanian language and the German language shall be recognised on the same footing as official languages in the Territory of Memel. There shall not be enacted any restriction against the free use, by every citizen of Memel, of both languages either in private relations, commerce, matters of religion, of the press and publications of any kind or at public meetings; the use of the two languages shall be equally permitted orally or in writing before the courts.

The same facilities shall be given for the teaching of the two languages in the public schools.

Article 29.

Accepted.

Freedom of meeting and of association, freedom of conscience, freedom of the press and of education are guaranteed to all the inhabitants of the Territory, subject to observation of the laws and regulations necessary for the maintenance of public order and the security of the State.

Article 30.

Accepted.

Private property shall be respected; there shall be no expropriation, if it is not for purposes of public utility and in conformity with the laws, and without infringement of the provisions of the present Convention.

The right of possession is recognized in principle, for associations, including religious and charitable organizations.

Article 31.

The 2nd par. of Art. 31 is rejected by the Allied Delegations.

The subjects of foreign Powers shall enjoy in the Territory of Memel the same treatment as citizens in all that concerns civil rights and the pursuit of commerce and industry.

Nevertheless, the acquisition of immovable property in the Territory of Memel by non-Memellanders shall depend upon a special authorization from the Directory of Memel. The Government of the Republic shall have the right to oppose, within an interval of 20 days, its veto to the authorization to acquire an immovable accorded by the Directory, as also that of granting within the same interval the authorization refused by the Directory.

Article 32.

Accepted.

No citizen of Memel shall be disturbed on account of his political attitude since July 28th, 1914, until the putting into force of the present Convention.

Article 33.

Adopted.

The Lithuanian Government and the authorities of Memel, within the limits of their prerogatives, shall guarantee freedom of transit by sea, water, and railway, either proceeding from or bound for the Territory of Memel, in conformity with the Convention on freedom of transit adopted by the Conference of Barcelona on April 14th, 1921.

Article 34.

Addition proposed by the Allied Delegations: "applied in their full scope where they do not run counter to the provisions of the present Convention."

The port of Memel shall be regarded as a port of international interest and the recommendations adopted by the Conference of Barcelona concerning ports subject to international *régime* shall be applied there.

Article 35.

The Allied Delegations maintain the articles which figure in their draft of March 25th.

The port, the free port and the waterways formerly belonging to the State shall be administered and worked by the Territory under the authority of a Commission of the Port.

This Commission shall comprise a member appointed by the Government of Memel, a member appointed by the Lithuanian Government, a member appointed by the Polish Government, and a Chairman designated by the Council of the League of Nations.

In the event of an equal division of votes, the Chairman shall have the casting vote.

The delegates of Memel, of Lithuania and of Poland shall be remunerated by their respective Governments; the salary of the Chairman shall be fixed by the Council of the League of Nations and paid a fifth by Memel, the balance being paid in equal parts by Lithuania and Poland. The expenses of the Commission shall be supported by the Territory of Memel.

The Chairman and members of the Commission shall personally enjoy diplomatic privileges and immunities.

Text presented by the Lithuanian and Memel Delegations:

The Port of Memel shall be administered and worked by a Director appointed by the Minister of Ways and Communications of the Republic and amenable to him.

There shall be created, under the Director of the Port, an Economic Council composed of:

1. A representative of the City of Memel;
2. A representative of the Chamber of Commerce of Memel;
3. A representative of the Chamber of Agriculture of Memel;
4. A representative of the fishermen of the Territory of Memel;
5. A representative of the workers of the Port;

The Council shall be required to give its opinion on all questions touching the administration, working, and development of the port.

Article 35.

The mission of the Commission shall be:—

(a) To guarantee to all States whose commerce shall cross the Territory in transit, the free use of the port and of the free port, both for import and export, subject to the reservation of the regulations concerning the handling of explosives;

(b) To see that foreign subjects freely enjoy in the port, including the free port, the rights that are guaranteed them by the preceding Article 26, particularly as regards the use or ownership of all ground, buildings or warehouses necessary for their commerce;

- (c) To decide any dispute concerning the use of the free port and of the port in general;
- (d) To make sure that the port answers to the needs of the trade of the States importing and exporting merchandise through Memel;
- (e) To see to the upkeep and creation of the necessary warehouses;
- (f) To make sure, in agreement with the local authorities, of the development of the free port according to the needs of commerce;

It shall pertain to the Commission of the Port to propose improvements which it may deem necessary and to give its opinion on the improvements which may be proposed.

The Government of Memel shall place at the disposal of the Commission of the Port all premises or buildings which may be necessary to assure its working and, generally, shall provide it with all necessary facilities which shall enable it to carry out its mission under suitable conditions.

Article 36.

The Allied Delegations consider it necessary to insert here articles stipulating the maintenance of the free zone and its eventual development.

The Allied Delegations propose to insert here the following articles relative to the customs *régime* of Memel (provisional texts):—

The upkeep and development of the port shall be assured by the Lithuanian State.

Article A.

The Territory of Memel shall have the right to import at any time, free of duty, raw materials or semi-manufactured products destined to be transformed in the Territory, on condition that an equivalent quantity of finished products be exported outside the territory of the Customs Union. The products thus exported shall not be subject to any export charge.

Article rejected by the Lithuanian Delegation.

Article B.

Whatever may be the prohibitions of importation which the Lithuanian Government shall establish, the Territory of Memel will have the right to import for its own use and in proportion to its recognised needs, the products figuring on a list established by common agreement between Lithuania and the Territory of Memel.

Article rejected by the Lithuanian Delegation.

Article C.

The Customs tariffs and regulations enacted by the Lithuanian Government shall be transmitted to the Customs Administration of the Territory through the intermediary of the authorities of the Territory of Memel.

Article rejected by the Lithuanian Delegation.

Article D.

Within an interval of one month from the putting into force of the present Conventions negotiations shall take place between the Lithuanian Government and the authorities of Memel in order to fix the percentage of nett Customs receipts to be attributed to the said Territory. This percentage shall be determined having regard for the average value during the last two years of imports and exports *per capita* respectively in Lithuania and in the Territory of Memel.

Article rejected by the Lithuanian Delegation. The Memel Delegation insists upon its adoption.

Article E.

Lithuania pledges herself not to introduce any modification in her customs tariffs or legislation without previous consultation with the representatives of the commercial interests of Memel. Before being put into operation these modifications shall be notified to the authorities of the Territory of Memel.

Article rejected by the Lithuanian Delegation.

Article 37.

Accepted.

Lithuania accepts, both in its own name and in that of the Territory of Memel, all the provisions relative to the internationalization of the Niemen as they are contained in Articles 331 to 345 of the Treaty of Peace of Versailles.

Article 38.

Reserved.

The property situated in the Territory which on January 10th, 1920, belonged to the German Empire or to the German States is transferred to the Republic of Lithuania. Lithuania shall assume the obligation contemplated by Articles 254 and 256 of the Treaty of Peace of Versailles.

The Allied Delegations will present for the financial clauses Art. 38 & 45) a special proposal.

The charges which arise from these two articles shall be covered by the revenues of the autonomous Territory in the proportion of the property attributed by the Convention to the autonomous Territory of Memel.

Article 39.

Accepted.

An agreement between the Lithuanian Government and the Government of Memel shall regulate the conditions under which the buildings necessary for the working of the public services, other than those which are contemplated in the present Convention and which Lithuania would instal at Memel, shall be placed at the disposal of the Lithuanian Government.

Article 40.

Accepted.

In the Territory of Memel, the tariffs applied on the railways to travellers and to merchandise, the postal, telegraphic and telephone charges shall not be higher than the tariffs applied and the charges levied in the territory of other parts of the Republic.

On the Lithuanian railways the tariffs applied to travellers and to merchandise proceeding from or bound for the Territory of Memel shall in no case be higher than the internal tariffs of the Republic.

Article 41.

The Lithuanian Delegation formulates with respect to the last part of the sentence of the 1st par. a reservation in relation to the modification which it demands in Art. 21.

The Lithuanian Government pledges itself to recognise the rights acquired by officials and employees of the public services which shall be conducted by the Republic, and to retain the officials and employees having the capacity of citizens of Memel in service on January 1st, 1923.

The Memel officials and employees in the service of the Lithuanian administration shall be subject to the same rules and shall enjoy the same advantages as the Lithuanian officials and employees.

Article 42.

Accepted.

The Government of Memel pledges itself to recognise the acquired rights of all the officials and employees in the service in the Territory on January 1st, 1923.

In the future, the officials and employees of the Territory shall be recruited as far as possible among the citizens of the Territory.

Article 43.

Judgments rendered respectively by the Memel Courts and by the Lithuanian Courts shall be executory respectively in Lithuania and in the Territory of Memel.

Accepted.

Warrants of arrest delivered by the authorities of Memel and Lithuania shall be executory respectively in Lithuania and in the Territory of Memel.

Article 44.

The citizens of Memel shall enjoy in Lithuania all the civil rights recognised to other Lithuanian subjects.

Accepted.

Lithuanian subjects, who are not citizens of Memel, shall enjoy in the Territory of Memel all the civil rights recognised to citizens of Memel.

Article 45.

The Lithuanian Government undertakes to reimburse the Allied and Associated Powers the expenses incurred by the latter for the administration and occupation of the Territory as also for its delimitation.

See Note relative to Art. 38.

Article 46.

Lithuania undertakes not to alienate, either wholly or in part, the rights which are recognised her by the present Convention.

The Allied Delegations propose to take up again in another form the 2nd par. of Art. 47 of their draft of March 25th.

The Lithuanian Delegation proposes in place of "2 to 27" "2 to 30."

The other Delegations reject this proposal.

The Lithuanian Delegation proposes "31 to 37."

The other Delegations reject this amendment.

Article 47.

The Constitution of the Territory of Memel, as it results from Articles 2 to 27 preceding, may be modified only by a law adopted by a majority of two-thirds of the Chamber of Representatives and which must be ratified by the Diet of the Republic.

Article 48.

The preceding Articles 28 to 37 may be modified only with the consent of the Council of the League of Nations and in agreement with the Government of Memel and the Lithuanian Government.

Article 49.

Lithuania agrees that any member of the Council of the League of Nations shall have the right to report to the attention of the Council any infraction of the articles of the present Convention.

The Allied Delegations demand that the commencement of the article be drafted thus:

"Lithuania agrees that the authorities of the Territory of Memel, any member of the Council of the League of Nations or any interested State . . ."

The Memel Delegation adheres to this proposal.

The Lithuanian Delegation maintains its text.

Lithuania agrees besides that in case of divergence of opinion on questions of law or of fact concerning these articles, between the Lithuanian Government and any other of the Principal Allied and Associated Powers, a member of the Council of the League of Nations, this divergence shall be regarded as a difference having an international character according to the terms of Article 14 of the Covenant of the League of Nations. The Lithuanian Government agrees that any difference of this character shall, if the other party demands it, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be without appeal and shall have the same force and value as a decision rendered by virtue of Article 13 of the Covenant.

Article 50.

The elections for the formation of the Chamber of Representatives contemplated in the preceding Article 10 shall take place within six weeks from the date of the putting into force of the

The Allied Delegations reserve their adhesion to the entirety of this article.

present Convention. The Chamber shall assemble 15 days after the elections. All inhabitants of the Territory of Memel more than 20 years of age who enjoyed the status of Memel subjects on January 1st, 1923, may take part in these elections.

Article 51.

The present Convention shall come into force as soon as it is ratified by the Lithuanian Government.

Accepted.

XLIII.

LETTER OF MAY 12TH, 1923, FROM THE ITALIAN REPRESENTATIVE IN LATVIA TO THE LITHUANIAN CHARGÉ D'AFFAIRES.

THE ITALIAN LEGATION IN LATVIA.

(No. 389.)

(Translation.)

Riga, May 12th, 1923.

Mr. J. AUKSTUOLIS,
Lithuanian Chargé d'Affaires,
Riga.

MONSIEUR LE CHARGÉ D'AFFAIRES,

I HAVE the honour to beg you to be so good as to bring the following to the knowledge of your Government:

At the meeting of May 6th, the Conference of Ambassadors decided to carry out, through the Representatives of the Great Allied Powers, a collective step at Kovno, towards the Lithuanian Government in order to communicate:

1st. That the Great Allied Powers consider as null and void the proclamation of the autonomy of Memel, made by the President of the Council of Lithuania, when the negotiations for the Statutes of Memel are still in abeyance;

2nd. That the Conference of Ambassadors has derived a very bad impression from the recent proclamation of the Commander-in-Chief of the Lithuanian Army, couched in an aggressive spirit and contrary to the decisions of the Conference itself.

I appeal to your kindness for the prompt official communication to H.E. Mr. Galvanauskas—on the part of the Italian Government—of the above cited decisions of the Conference of Ambassadors, in conformity with what has been made in the same sense by my colleagues of England and France.

In requesting you to be good enough to acknowledge receipt of this letter, I beg you to accept the assurance of my highest consideration.

(Sgd.) R. PIACENTINI.

XLIV.

(Translation.)

PROTEST OF THE CONFERENCE OF AMBASSADORS OF MAY 6TH, 1923.

The Conference having learnt that the President of the Lithuanian Council has been to Memel for the purpose of proclaiming the autonomy of the Territory, the Principal Allied Powers which alone possess sovereignty over the Territory consider as null and void a proclamation prejudging the issue of the negotiations which are at present taking place relative to the statute of the Territory of Memel.

The Conference has equally taken cognizance of a proclamation which the Commander-in-Chief of the Lithuanian Army has addressed to the Lithuanian Army as well as to the Franc-tireurs. This proclamation has produced the most unfortunate impression on the Conference, since it testifies to the aggressive spirit which animates the highest military authorities of the Lithuanian Army and it betrays the will to destroy the state of things which the recent decision of the Powers relative to the Lithuanian-Polish frontiers has created. The Conference moreover reserves the right eventually to collect the necessary information on this incident.

XLIVa.

OBSERVATIONS SUBMITTED BY THE LITHUANIAN DELEGATION
re NEW ALLIED PROPOSALS FOR MEMEL CONVENTION.

(Translation.)

July 11th, 1923.

After having taken cognisance of the new proposals which the Commission has been good enough to make to the Delegation of Lithuania touching the *régime* of the port of Memel and transit proceeding from and bound for this port, the Delegation has the honour to submit to the Commission the following observations :

I. THE RÉGIME OF THE PORT AND THE FREE ZONE.

The new proposals of the Delegates of the Powers are inspired by the three following principles :

1. The upkeep and development of the port as well as its administration and its working should be assured by the autonomous Territory of Memel.

2. A Council of Economic Supervision composed of representatives of the authorities of Memel, the Lithuanian Government and the Polish Government should be called upon to give its opinion on all questions touching the administration, working and development of the Port. The Council would equally have to see that the proposals of the Convention concerning international transport were respected. The members of the Council, the representative of the Territory included, would moreover enjoy the right of reporting to the Powers anything which seemed to them to infringe the stipulations of the Convention, with a view to submitting the difference to the Council of the League of Nations.

3. The authorities of Memel would undertake to grant on lease to the Polish Government, for 99 years, a portion of the free zone, this portion having to be set apart for the direct transit of merchandise proceeding from or bound for Poland.

With regard to the first principle, the Delegation has the honour to declare that the Lithuanian Government finds itself obliged to maintain its point of view, according to which the administration, working, upkeep and development of the port ought to belong, not to one part but to the whole of the territory of the Lithuanian Republic. May the Delegation be permitted to refer to the declaration which it had the honour to make on this subject during the sitting of the Commission of April 5th, 1923, as also to the arguments which on that date it brought to the support of its thesis? The interests of Lithuania and consequently those of the Memel Territory, likewise the needs of international trade, of which the extension is foreseen, require :

1. That the administration of the port should be equal to its task.

2. That the port, the mere upkeep of which would demand resources which the Territory does not possess, should be sufficiently developed to receive vessels of larger tonnage and to satisfy in a greater degree the needs of international transport. On the other hand, the international conventions relative to freedom of transit, the *régime* of navigable ways, railways, etc., impose upon the Lithuanian Government certain obligations which it could perform only in the full and entire possession of its rights as regards the administration and working of its sole port.

The two other principles contemplated the commercial interests of Poland. The Lithuanian Government considers that those interests find all necessary guarantees in the Recommendations of Barcelona touching the ports subject to an international *régime*, and to be applied to the port of Memel. Article 15 of the Recommendations indicates the procedure to be followed with a view to the solution of any dispute which might arise between the States on the subject of the application and interpretation of the stipulations of Barcelona. Any State which might deem itself injured in its rights could have recourse : (1) to the Advisory and Technical Commission of Communications and Transit ; (2) to arbitration ; (3) to the Permanent Court of International Justice. Having regard for these guarantees, the Lithuanian Government considers that it would not only be useless but even dangerous to create an Economic Council of Supervision the principal task of which would also be to see to the fulfilment of the Recommendations. Owing to the vague character of its competence and the absence of any means of action, such an organ would not fail to give rise to all sorts of misunderstandings and to poison the relations among the States. On the other hand, the creation of the Council of Supervision might lead certain other States, which claim to have at Memel interests equal or even superior to those of Poland, to affirm their right to be represented under the same conditions as the latter in the Council. The Lithuanian Delegation also takes the liberty of renewing its proposal with a view to creating under the Management of the Port an Economic Council composed of the representatives of various associations and economic groups of the Territory and above all of the city of Memel. If, however, the Delegates of the Powers should persist in their project of enlarging the composition of the Council,

the Lithuanian Delegation, animated by a sincere desire to solve as soon as possible the problem which is occupying us, would consent to the admission on the Economic Council of a representative of the commercial interests of the territories situated in the Niemen basin, directly interested in the traffic of the port of Memel and at the present time under Polish administration. Nevertheless, the Lithuanian Delegation declares itself unable to admit that the Economic Council could become a political organ composed of Representatives of States or Governments whose competence would embrace the supervision and execution of the stipulations of Barcelona, reserved by Article 15 of the Recommendations to the interested States.

Without wishing to enter into a discussion of the principle laid down in Article 36 and borrowed from the portion of the Versailles Treaty relative to the port of Hamburg, the Lithuanian Delegation declares that its realization is materially impossible. The Lithuanian Government is ready to render accessible to transit trade of all States, and with the same title as its own nationals, the free zone which already exists in the port of Memel, but which has hitherto served only for the needs of the transit trade of the Territory.

It is equally understood that this zone shall be developed to the extent required by the extension of commerce. The proposal of the Lithuanian Delegation has moreover the advantage of being in perfect conformity with the decision of the Conference of Ambassadors of February 16th, 1923.

Consequently the Lithuanian Delegation proposes to insert in the Convention the following articles:—

Article 35.

The upkeep and development of the port of Memel, the free port and the waterways previously belonging to the State, shall be assured by the Government of the Lithuanian Republic.

The administration and working of the port shall be assured by a Management of the Port which shall be directly amenable to the Lithuanian Ministry of Ways and Communications.

There shall be created under the Management of the Port an Economic Council composed of:—

1. A Representative of the Memel Chamber of Commerce.
2. A Representative of the City of Memel.
3. A Representative of the Memel Chamber of Agriculture.
4. A Representative of the workers of the port.
5. A Representative of the fisheries of the Territory.
6. A Representative of the economic organizations of the other parts of Lithuania.
7. A Representative of the economic organizations of the Territories situated in the Niemen Basin which at the present time are under Polish administration.

The Council shall be called upon obligatorily to give its opinion on all questions touching the administration, working, upkeep and development of the port of Memel, the free port and all navigable ways.

Article 36.

The free zone already created in the port of Memel shall be maintained, and the transit trade of all the States shall enjoy there the same facilities as national trade.

XLIVb.

DRAFT CONVENTION ON MEMEL STATUTE AS SUBMITTED TO THE LITHUANIAN DELEGATION ON JULY 13TH, 1923.

(Translation.)

ARTICLE I.

The Britannic Empire, France, Italy and Japan, signatories with the United States of America, as the Principal Allied and Associated Powers of the Treaty of Peace of Versailles, transfer to Lithuania, subject to the conditions hereinafter stipulated, all the rights which they hold from Germany, by virtue of Article 99 of the Treaty of Versailles, over the Territory comprised between the Baltic Sea and the North-Eastern frontier of Eastern Prussia (described in Article 28 of the said Treaty and such as it results particularly from the letter addressed on July 18th, 1921 by the President of the Conference of Ambassadors of the Allied Governments, at Paris, to the German Embassy at Paris) and the former frontiers between Germany and Russia, the said Territory being designated in the present Convention under the style of the Territory of Memel.

ARTICLE 2.

The Territory of Memel constitutes, under the sovereignty of Lithuania, a Territory enjoying legislative, judicial, financial and administrative autonomy, within the limits provided by the present Convention.

The Government of the Lithuanian Republic shall be represented at Memel by a Governor.

The Government of the Lithuanian Republic shall include a Minister specially charged with the affairs of Memel.

ARTICLE 3.

Subject to the provisions of Article 6 hereafter, the following matters shall be within the province of the local Government of the Memel Territory:—

- 1st. Administration of the communes and districts.
- 2nd. Exercise of religion.
- 3rd. Public instruction.
- 4th. Public assistance and hygiene, including veterinary regulation.
- 5th. Social provision and labour legislation.
- 6th. Railways of local interest, with the exception of those belonging to the Lithuanian State.
Public works of local interest.
- 7th. Regulation of the sojourn of foreigners.
- 8th. Police.
- 9th. Criminal, civil, commercial, agrarian and forestry legislation, including the *régime* of stock exchanges, establishments of credit and insurance, on the subject of which the Lithuanian Government should nevertheless be consulted beforehand by the Government of Memel.
- 9(a) Acquisition of citizen rights, subject to the provisions of Article 23.
- 10th. Judicial organization, subject to the provisions of Articles 19 (2), (3) and (4).
- 11th. Direct and indirect taxes levied in the territory, with the exclusion of customs and excise duties and consumption taxes.
- 12th. Administration of public properties belonging to the Territory of Memel.
- 13th. Regulation of rafting and navigation on the canals and waters of the Chicha, Jura, Minia and Wirwicha.
- 14th. Registration of commercial buildings of the Territory.

Lithuanian laws may extend the competence of the authorities of the Memel Territory to other matters.

ARTICLE 3(2).

The Territory of Memel shall have the right to possess a special flag, bearing with the Lithuanian colours, a distinctive sign, which shall be fixed in agreement with the Government of the Lithuanian Republic, through whose offices this flag shall be notified to the other Powers.

ARTICLE 4.

For all matters which, according to the terms of the present Convention, are not dependent upon the authorities of the Memel Territory, the Government of the Lithuanian Republic is alone competent.

ARTICLE 5.

(Text proposed by the Lithuanian Delegation.)

Subject to the provisions of the present Convention, the legislative, executive and judicial powers of the Memel Territory shall be exercised in conformity with the principles contained in Chapters 2, 5, 8, 9, 10, 13 of the Lithuanian Constitution.

N.B.—The Allied Delegations reserve the right later to announce their observations on this text.

ARTICLE 6.

External relations being within the province of the Lithuanian Government, the arrangements which the Lithuanian legislative authorities will have to make for the execution of international treaties and conventions shall be applicable to the Memel Territory.

The authorities of the Memel Territory shall be charged, within the limits of their competence, with the execution of these arrangements.

ARTICLE 7.

The exequatur shall be given by the Lithuanian Government to foreign Consuls at Memel after consultation with the authorities of the Territory.

ARTICLE 8.

Passports shall be delivered to the citizens of the Memel Territory by the authorities of the Territory in the name of the Republic and in conformity with the rules established by the Lithuanian Government.

Passports shall mention the Lithuanian nationality of the bearer as well as his character of citizen of the Memel Territory.

ARTICLE 9.

Legislative authority in the Memel Territory is exercised by the Chamber of Representatives.

Laws voted by the Chamber must be promulgated by the Governor within 15 days from the day when the law shall have been submitted to him, unless the President of the Republic should, during this interval, exercise the right of veto provided in Article 17.

Laws shall be countersigned by two members of the Directory; one of them shall be the Chairman of the Directory or his substitute.

ARTICLE 10.

Members of the Chamber of Representatives are elected for three years by the citizens of the Memel Territory, in conformity with the Lithuanian electoral law, and in the proportion of one deputy per 5,000 inhabitants or fraction exceeding 2,500 inhabitants.

Citizens of the Memel Territory are alone eligible.

ARTICLE 11.

The Chamber of Representatives assembles fifteen days after its election. During the following years of the legislature, it assembles on the fourth Monday of January in ordinary session. Ordinary sessions are of at least one month's duration.

The Chamber may besides be convoked in extraordinary session by the Government, in agreement with the Directory.

The closure and adjournment of extraordinary sessions are declared by the Governor, in agreement with the Directory.

The Chamber shall be convoked by the Governor on the demand of at least a third of its members.

The Chamber may be dissolved by the President of the Lithuanian Republic, in agreement with the Directory.

Elections for the new Chamber shall take place within an interval not exceeding six weeks.

ARTICLE 12.

The Chamber itself establishes its own standing orders; it elects its Chairman and officers.

ARTICLE 13.

No member of the Chamber of Representatives shall be prosecuted or called to account, in any manner, in the Territory of the Republic, because of speeches, opinions or votes expressed in the Chamber or in one of its Commissions.

No deputy shall, during a session, be arrested or prosecuted before repressive courts save with the authorization of the Chamber of Representatives, except in cases of *flagrante delicto*.

ARTICLE 14.

There is created an Economic Council of the Memel Territory comprising:—

- (1) The Chairman of the Directory.
- (2) The First Mayor (Oberbürgermeister) of the City of Memel.
- (3) The Chairman of the Chamber of Commerce.
- (4) A Chief of District (Landrat) chosen by the Chiefs of Districts of the Territory.
- (5) The Chairman of the Chamber of Agriculture.
- (6) The Chairman of the Cartel of Workers.

The Council elects its Chairman and its officers.

ARTICLE 15.

The right of initiative belongs equally to the Chamber of Representatives, the Directory and the Economic Council.

ARTICLE 16.

Before being discussed by the Chamber of Representatives, every Bill must be presented to the Economic Council.

The Economic Council will express, within an interval not exceeding one month, its opinion on Bills which shall be submitted to it.

ARTICLE 17.

The President of the Republic, within a period fixed by Article 9, has the right of veto on laws voted by the representatives of the Memel Territory, if these laws exceed the competence of the authorities of the Territory fixed in Article 3 of the present Convention, or run counter to the provisions of the foregoing Article 5.

ARTICLE 18.

The executive power is exercised by a Directory consisting of Memel citizens and comprising seven members at most, including the Chairman. The Chairman is appointed by the President of the Lithuanian Republic and chooses the members of the Directory.

The Directory must possess the confidence of the Chamber. The Directory and each of its members individually are required to tender their resignation if the Chamber refuses them its confidence.

ARTICLE 18(2).

The maintenance of public order shall be assured by a local police, subject to the authorities of the Memel Territory who, in case of necessity, may appeal to the Lithuanian Government.

The police of the frontiers, of the customs and railways shall, however, be directly subject to the Lithuanian Republic.

ARTICLE 19.

The judges are appointed by the Directory; they shall be immovable and may not be removed except on the formal opinion of the section of the competent Court of Cassation for Memel affairs decreeing as a Higher Council of Discipline of the Bench.

ARTICLE 19(2).

The Court of Cassation of Lithuania shall have jurisdiction over the whole of the territory of the Lithuanian Republic, including the Memel territory.

It shall contain a special section for the affairs of the Memel territory; this section shall be composed of judges belonging to the Memel bench and it shall hold its sessions in the city of Memel.

ARTICLE 19(3).

The Court of Appeal of the Territory (Landgericht) as also the High Court (Obergericht) shall be composed each of two Chambers.

Judgments annulled by the Court of Cassation shall be sent back to the respective Memel courts for re-examination by the Chambers which have not dealt with the affair.

ARTICLE 20.

The elections of deputies of the Territory of Memel to the Diet of Lithuania are conducted in conformity with the Lithuanian electoral law.

ARTICLE 21.

Former German citizens, more than 18 years old, on the coming into force of the present Convention, domiciled in the Memel Territory at least since January 10th, 1920, shall *ipso facto* acquire Lithuanian nationality.

The following may opt for Lithuanian nationality within an interval of six months from the coming into force of the present Convention and on condition of losing all other nationality:

- (a) Any person more than 18 years old on the coming into force of the present Convention, born in the Territory and having resided there during more than 10 years;

(b) Any person more than 18 years old on the coming into force of the present Convention to whom a permanent residential permit (*permis de séjour*) has been granted by the Inter-Allied administration, on condition that this person shall have been established in the Territory since January 1st, 1922.

Persons contemplated in pars. (a) and (b) preceding shall *ipso facto* acquire the quality of Memel citizens.

ARTICLE 22.

Any citizen of Memel, within a period of two years from the coming into force of the present Convention, may opt for German nationality.

Nevertheless the duration of this period shall be reduced to six months for persons who were domiciled in the Memel Territory only on account of their capacity as State officials and who, from this fact, shall have acquired Lithuanian nationality.

Officials who were regarded as such by the German law and who shall be subject directly either to the Government of the Lithuanian Republic or to the Directory (*unmittelbare Staats-Beamten*) shall be regarded as State officials in the sense of the preceding paragraph.

Persons having exercised the above right of option must, in the two following years, transport their domicile to Germany.

They shall be free to retain the real estate which they possess in the Territory and may export their personal property of all kinds. There shall not be imposed upon them on this account any levy or tax, whether of exit or entry.

ARTICLE 23.

Subject to the provisions of the Lithuanian Law concerning the acquisition of Lithuanian nationality, a law of Memel shall define the conditions on which in the future the capacity of citizen of Memel shall be acquired.

For Lithuanian subjects other than citizens of Memel, the conditions demanded for the acquisition of the capacity of citizen of Memel shall be the same as those fixed in Lithuania for the exercise of all public rights.

ARTICLE 24.

Married women shall follow the condition of their husbands; and children, less than 18 years old, shall follow the condition of their parents in all that concerns the application of the provisions of the preceding Articles 21 and 23.

ARTICLE 25.

The elections to the assemblies of communes and districts shall be conducted in conformity with the laws elaborated by the Chamber of Representatives.

These electoral laws shall be inspired with democratic principles.

ARTICLE 26.

All the subjects of Memel shall be equal before the law and shall enjoy the same civil and political rights without distinction of race, language, or religion.

Difference of religion, of belief or of confession shall not be detrimental to any citizen of Memel as regards the enjoyment of civil and political rights, particularly for admission to public employment, functions and honours or the exercise of different professions or industries.

ARTICLE 27.

The citizens of Memel shall not be subject to any compulsory military service up to January 1st, 1933.

ARTICLE 28.

The Lithuanian language and the Memel language shall be recognised with the same title as an official language in the Memel Territory. There shall not be enacted any restriction against the free use by the Memel citizens of either language, whether in private relations or of commerce, whether in matters of religion or of the press or of publication of any nature, or at public meetings; the use of the two languages shall be equally permitted orally or in writing before the courts.

Both languages shall be taught in the public schools.

ARTICLE 28 (2).

The programme of instruction of the schools of the Memel Territory shall not be inferior to the programme in force in the corresponding schools of the rest of Lithuanian Territory.

ARTICLE 29.

Freedom of meetings and of association, freedom of conscience and freedom of the press are guaranteed to all the inhabitants of the Territory, subject to the observation of the laws and regulations necessary for the maintenance of public order and the security of the State.

There is likewise liberty of instruction and the right to open schools.

ARTICLE 30.

Private property shall be respected; there shall be no expropriation if it is not for purposes of public utility through a just and previous compensation, in conformity with the laws and without infringement of the provisions of the present Convention.

The right of property is recognised in principle for associations, including religious and charitable organisations.

ARTICLE 31.

Subjects of foreign powers shall enjoy in Memel Territory the same treatment as Memel citizens in all that concerns civil rights and the exercise of commerce or industry.

Nevertheless the acquisition of immovable property in the Memel Territory by persons not having the capacity of citizens of Memel shall depend upon a special authorisation of the Memel Territory which must be declared within 20 days following the demand.

N.B.—The drafting of the 2nd par. is rejected by the Allied Delegations.

ARTICLE 32.

No citizen of Memel shall be disturbed or molested on account of his political attitude since the 28th July 1914, until the coming into force of the present Convention.

ARTICLE 33.

The Lithuanian Government and the authorities of Memel, within the limits of their prerogatives, shall guarantee freedom of transit by sea, by water and by rail, of merchandise, either proceeding from or bound for the Territory of Memel, in conformity with the Convention and the statute on freedom of transit adopted by the Conference of Barcelona on April 14th, 1921.

ARTICLE 33 (2).

The Lithuanian Government accepts as regards the whole of its Territory including the Memel Territory, all the provisions relative to the internationalisation of the Niemen such as they are contained in Articles 331 to 345 of the Versailles Peace Treaty.

ARTICLE 33 (3).

Lithuania accepts, as regards the whole of her territory, including the Memel Territory, the re-establishment of freedom of communications by navigable and rafting ways and by rail between Poland and the Memel Territory and in a general manner conforms to the stipulations of Articles 331 to 345 of the Versailles Treaty of June 28th, 1919, on the coming into force of the present Convention.

The Lithuanian Government, desirous of applying in the most liberal spirit the provisions of the present Convention relative to questions of transit, further pledges itself, as regards the whole of its territory, including the Memel Territory, not to have recourse in the future to the restrictions contemplated in Article 7 of the Statute adopted on April 14th, 1921, by the Conference of Barcelona, save in case of absolute necessity, which it would have to justify in that event to the Council of the League of Nations.

ARTICLE 34.

The port of Memel shall be regarded as an international port. The recommendations adopted by the Conference of Barcelona concerning ports subject to international régime shall be applied thereto.

ARTICLE 35.

The upkeep and development of the port of Memel, the free port and the waterways previously belonging to the State, shall be guaranteed by the Memel Territory with the financial co-operation and the guarantee of the Lithuanian State. An agreement shall be effected between the Lithuanian Government and the Government of the Memel Territory in order to determine the allotment of the charges between them.

The administration and working of the port shall be assured by a management of the Port which shall be directly amenable to the Government of Memel.

ARTICLE 35 (2).

With a view to assuring the fulfilment of the present Convention as regards the protection of the economic interests of Lithuania, Poland, and all the States utilising the port of Memel, there shall be created under the Management of the Port a Council of Economic Supervision composed of:—

- (1) A representative of the autonomous administration of Memel;
- (2) A representative of the Lithuanian Government;
- (3) A representative of the Polish Government.

ARTICLE 35 (3).

The Council shall be called upon obligatorily to give its opinion on all questions touching the administration, working, upkeep, and development of the port of Memel, the free port and all navigable ways.

The Council's mission shall be :

- (a) To assure that all the States whose commerce crosses the Territory have the free use of the port, the free port and navigable ways, both for import and export, subject to the observation of the regulations concerning the handling of explosives;
- (b) To see that foreign subjects freely enjoy in the port including the free port and the free zone, the rights which are guaranteed to them by the present Convention, particularly as regards the use or possession of all ground, buildings or warehouses necessary for their commerce;
- (c) To assure that the port responds to the needs of commerce of the States importing or exporting merchandise via Memel;
- (d) To see to the application of Articles 33, 33 (2), 33 (3) and 34 of the present Convention, particularly as regards the freedom of communications between Poland and the port of Memel.

It shall pertain to the Council of Supervision to propose amendments which it may deem necessary.

ARTICLE 35 (4).

The Council of Supervision, on all questions within its competence, may address its recommendations or its observations to the Government of Lithuania or to the autonomous administration of the Memel Territory. If these are not taken into account, the said Council shall refer them to the signatory Powers of the present Convention who shall apprise the Council of the League of Nations.

Likewise on questions within the competence of the Council of Supervision, any member of this Council who, contrary to the opinion of the majority, deems that the stipulations of the present Convention are infringed, may refer them either to the Government which he represents, or to the signatory Powers of the present Convention with a view to bringing the dispute before the Council of the League of Nations.

ARTICLE 35 (5).

The members of the Council of Supervision shall personally enjoy the immunities recognised for diplomatic agents. They shall be remunerated respectively by the Lithuanian Government, the Polish Government, and the autonomous administration of the Memel Territory. The other working expenses of the Council shall be paid by the autonomous administration of Memel. The autonomous administration shall place at the disposal of the Council the localities necessary for its functioning and shall assure it, in a general way, all the necessary facilities for the accomplishment of its mission.

ARTICLE 36.

The autonomous administration of Memel pledges itself to grant on a 99-years' lease to the Polish Government a portion of the quays of the port as well as the ground and warehouses adjacent and the

water spaces, which shall be placed under the general *régime* of the free zones and which shall be set aside for the direct transit of merchandise proceeding from or bound for Poland.

The delimitation of the ground and spaces given on lease, their management, their mode of exploitation and in general all the conditions of their utilisation, including the price of their location, shall be fixed by a Commission composed of: A delegate from the Lithuanian Government, a delegate from the autonomous administration of Memel, a delegate from the Polish Government and a delegate from the Principal Allied Powers, Chairman of the Commission. In default of agreement between the delegates of Lithuania, Memel and Poland, the Chairman shall decide, except in the case of appeal by Poland, Lithuania or Memel, to the Principal Allied Powers signatory to the present Convention.

The decisions of this Commission may be revised every ten years in the same forms.

ARTICLE 36 (2).

The timber imported into the Memel Territory, particularly the timber proceeding from the entire Niemen basin, in order to be transformed there with a view to re-exportation, shall be freed from all customs duties as well as all other taxes, with the exception of taxes corresponding to the actual expenses of supervision and administration.

The sawmills—the factories for transformation of timber—the land and water spaces (*Wassergaren*) reserved for the handling of timber—shall be considered as mixed warehouses.

The conditions under which the fulfilment of the stipulations contemplated in the foregoing paragraphs shall be assured, shall be made the object of an agreement which shall take place as soon as possible between the Lithuanian Government and the autonomous administration of the Memel Territory and which must be adapted to the principles expressed in the attached Annex A.

ARTICLE 36 (3).

Raw materials necessary for the construction, improvement and reparation of vessels (except cabin and kitchen utensils) shall be admitted into the Memel Territory free of all duty.

ARTICLE 36 (4).

Within a period of one month from the coming into force of the present Convention, negotiations shall take place between the Lithuanian Government and the authorities of Memel, in order to determine the percentage of the nett proceeds of the customs duties, excise and consumption taxes which must be attributed to the Memel Territory. This percentage shall be determined by taking into account the average value of imports and exports *per capita* of the inhabitants respectively in Lithuania and the Memel Territory during the years 1921 and 1922.

ARTICLE 36 (5).

Lithuania pledges herself not to introduce any change into her tariffs or customs legislation without previous consultation with the representatives of the commercial interests of Memel.

Before being put into force these changes shall be notified to the authorities of the Memel Territory.

ARTICLE 37.

The former Article 37 becomes Article 33 (2).

ARTICLE 38.

Subject to the provisions of Articles 38 (2) &c., the property situated in the Memel Territory which, on January 10th, 1920, belonged to the German Empire and to the German States, such as it is defined in Article 256, par. 2 of the Versailles Treaty, is transferred to the Republic of Lithuania.

This property, with the exception of railways, posts, telegraphs and telephones and buildings set aside for the customs, shall be retroceded by the Lithuanian Government to the Memel Government, the Lithuanian Government being responsible for the obligations assumed by it in the terms of Articles 38 (2) to 38..... of the present Convention.

An agreement shall take place between Lithuania for the retrocession of the property contemplated in the preceding paragraph.

ARTICLE 38 (2).

Lithuania agrees to accept, in so far as it concerns her and the Memel Territory, the charge of the obligations which result, for the transferee Powers of German territories, from Articles 254 and 256 of the Versailles Treaty of June 28th, 1919, and to guarantee the fulfilment thereof under the conditions which shall be determined by the Commission of Reparations, in conformity with the stipulations of Part VIII. of the said Versailles Treaty. These obligations, as regards the property contemplated in the preceding Article 38, shall be determined according to the value of this property on January 1st, 1923.

The Allied Delegations formerly reserve this last phrase while awaiting information which has been demanded from the Commission of Reparations.

ARTICLE 38 (3).

The costs of occupation, administration, and half the costs of delimitation of the territory shall be reimbursed by the Lithuanian Government to the Powers which have advanced them, within a year from the notification of their amount.

ARTICLE 38 (4).

In order to assure the execution of the foregoing Article 38 (2), the Lithuanian Government, in so far as concerns it and the Memel Government, authorises henceforth a first mortgage, for the benefit of the Commission of Reparations, on the property and possessions contemplated in Article 38 (2).

ARTICLE 38 (5).

The proceeds of the customs of the Republic of Lithuania are set aside in the first place for the reimbursement of the expenses contemplated in Article 38 (3), and the balance for the fulfilment of the obligations assumed by Lithuania in the terms of Article 38 (2).

ARTICLE 39.

An agreement between the Lithuanian Government and the Government of Memel shall regulate the conditions under which the buildings necessary for the functioning of the public services, other than those which are contemplated in the present Convention and which Lithuania should instal at Memel, shall be placed at the disposal of the Lithuanian Government.

The same agreement shall regulate the conditions under which the buildings constructed since January 10th, 1920, at the cost of the Memel Territory and of which Lithuania might have need for the functioning of the public services, shall be ceded to Lithuania.

ARTICLE 40.

In the Memel Territory the tariffs imposed on the railways or on passenger and merchant vessels, as also postal, telegraphic and telephone charges must not be higher than the tariffs imposed and the charges collected for the same purpose in the rest of the territory of the Republic of Lithuania.

On the Lithuanian railways the tariffs applied to travellers and to merchandise proceeding from or bound for the Memel Territory shall in no case be higher than those applied in the rest of the territory of the Republic.

ARTICLE 41.

As regards the officials and employees of the public services functioning in the Memel Territory and subject to the Lithuanian Government, that Government pledges itself to recognise the rights acquired by these officials and employees and to retain those among them enjoying the capacity of citizens of Memel, who were on duty on January 1st, 1923.

Nevertheless, this last stipulation may not be invoked by the officials contemplated in par. 2 of Article 22 and who might have made use of the right of option in favour of Germany, which is accorded them.

The officials and employees, citizens of Memel, in the service of the Lithuanian administration, shall be subject to the same rules and shall enjoy the same advantages as the officials and employees of the rest of Lithuania.

ARTICLE 42.

The Lithuanian Government guarantees that the acquired rights of all other officials and employees on duty in the territory on January 1st, 1923, shall be recognised by the authorities of Memel.

In future the officials and employees of the Territory shall be recruited as far as possible among the citizens of the Territory.

ARTICLE 43.

The judgments rendered respectively by the Memel Courts and by the other Lithuanian Courts shall be executory respectively in the other parts of Lithuania and in the Memel Territory.

Warrants of arrest delivered by the authorities of Memel and by those of other parts of Lithuania shall be executory respectively in other parts of Lithuania and in the Memel Territory.

ARTICLE 44.

The citizens of Memel shall enjoy all the civil rights recognised to other Lithuanian subjects.

Lithuanian subjects who are not citizens of Memel shall enjoy in the Memel Territory all the civil rights recognised to citizens of Memel.

ARTICLE 45.

(Replaced by Article 38 (3).)

ARTICLE 46.

No transfer of sovereignty over the Memel Territory may take place without the consent of the High Contracting Parties.

ARTICLE 47 (new drafting).

The Constitution of the Memel Territory, such as it results from the foregoing Articles 2 to 27, may only be changed by a law adopted by a majority of two-thirds of the Chamber of Representatives which must be ratified by the Diet of the Republic and only after a period of five years from the putting into force of the present Convention.

ARTICLE 48.

The foregoing Articles 28 to 37 may be changed only with the consent of the Council of the League of Nations in agreement with the Government of Memel and the Lithuanian Government and only after an interval of five years from the putting into force of the present Convention.

ARTICLE 49.

Lithuania agrees that any member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction of the articles of the present Convention.

Lithuania moreover agrees that in case of divergence of opinion on questions of law or of fact concerning these articles, between the Lithuanian Government and any of the Principal Allied and Associated Powers, a member of the Council of the League of Nations, this divergence shall be considered as a dispute having an international character according to the terms of Article 14 of the Covenant of the League of Nations. The Lithuanian Government agrees that any difference of this kind shall, if the other party demands it, be referred to the Permanent Court of International Justice. The decision of the Permanent Court of International Justice shall be without appeal and shall have the same force and value as a decision rendered by virtue of Article 13 of the Covenant.

ARTICLE 50.

The elections for the formation of the Chamber of Representatives contemplated in the preceding Article 10 shall take place within a period of six weeks from the putting into force of the present Convention. The Chamber shall assemble 15 days after the elections.

Only inhabitants of the Memel Territory, more than 21 years old, may take part in these elections, and who :—

(1) having acquired Lithuanian nationality under the conditions laid down by Article 21, par. 1, shall not have opted, before the date of the elections, for German nationality.

(2) Or shall, 15 days at least before the elections, have opted for Lithuanian nationality under the conditions provided by Article 21 (2) and (3).

ARTICLE 51.

The present Convention shall be ratified and the ratifications shall be deposited at Paris as soon as possible. It will enter into operation as soon as this deposit has been effected.

In testimony whereof the undersigned, duly authorised to that effect, have signed the present Convention.

Done at Paris, the.....in a single specimen which shall remain deposited in the archives of the Republic and of which authentic copies shall be despatched to each of the signatory Powers.

PROTOCOL TO BE ATTACHED TO THE CONVENTION.

The Britannic Empire, France, Italy, and Japan, signatories with the United States of America, as the Principal Allied and Associated Powers, of the Treaty of Peace of Versailles;

Considering that the re-establishment of normal conditions necessary to the full utilisation and development of the port of Memel will alone permit, as the signatories of the Treaty of Versailles had in view when detaching the Territory of Memel from Germany, this port to be made the outlet of all the neighbouring regions of the Niemen basin:

Declare themselves ready, while awaiting the putting into force of the Convention concluded at Paris between them and Lithuania on the....., not to obstruct the Lithuanian Government, on the ratification of this Convention by Lithuania, exercising in fact the rights pertaining to sovereignty over the Memel Territory, such as they are defined in the said Convention, on the express condition that it shall conform, in a general manner, to the obligations which this Convention requires from it and that, particularly, it shall have previously re-established freedom of communications by navigable and rafting ways and by rail for all merchandise in transit either bound for or proceeding from Memel.

Lithuania, equally desirous of contributing to the re-establishment of normal economic conditions and to the prosperity of the Memel Territory, declares that she accepts the foregoing stipulations.

XLIVc.

CHANGES IN THE DRAFT CONVENTION PROPOSED BY THE LITHUANIAN DELEGATION.

DELEGATION OF LITHUANIA.

(*Translation.*)

No. 562.

Paris, July 16th, 1923.

Mr. CHAIRMAN,

The Lithuanian Delegation has the honour to submit herewith to the Commission the changes which it would wish to introduce into the Draft Convention relative to the statute of the Territory of Memel which the Secretariat-General of the Conference was good enough to send to it on July 13th.

ARTICLE 1.

To add after the words "all the rights" the words "and titles."

ARTICLE 2.

Par. 1.

To interpolate "and" before the word "administrative" followed by a comma.

Par. 2.

To add at the end of par. 2 after the words "by a Governor," the words, "appointed by the President of the Republic."

Par. 3.

To replace par. 3 by the following paragraph: "the Council of Ministers of the Lithuanian Republic shall include a Minister without portfolio for the affairs of the Territory of Memel."

ARTICLE 3.

To replace the words "local Government" with the words "authorities."

Par. 3.

To add: "subject to the provisions of Article 28 (2)."

Par. 8.

To add: "subject to the provisions of Article 18 (2)."

Par. 9.

To draft in the following manner : " Civil, criminal, agrarian, forestry and commercial legislation. Nevertheless the *régime* of the stock exchanges, credit and insurance establishments shall be subject to the Lithuanian Government which shall be required previously to consult the Directory of Memel on these matters."

ARTICLE 3 (2).

To cancel.

ARTICLE 4.

To replace by the following article : " All matters which, in the terms of the present Convention, are not within the province of the authorities of the Territory of Memel, shall be within the exclusive province of the competent organs of the Lithuanian Republic."

ARTICLE 9.

To replace " fifteen days " by " a month."

Par. 3.

To replace the paragraph by the following text : " The laws shall be countersigned by the Chairman of the Directory or his substitute."

ARTICLE II.

Par. 3.

To replace " Government " by " Governor."

ARTICLE 18 (2).

Par. 2.

To add after " railways " the words " and of the port."

ARTICLE 19 (2).

Par. 2.

After " composed " to add " in greater part."

ARTICLE 22.

To strike out the words " whether of exit or entry."

ARTICLE 26.

To replace the words " subjects (ressortissants) of Memel " by the words " citizens of the Territory of Memel."

ARTICLE 28.

To replace " the Memel language " by " the German language."

ARTICLE 31.

To add at the end of par. 1 : " With the exception however of the coasting-trade and of fishing on the coasts."

Par. 2.

To replace the words " persons not having the capacity of citizen of Memel " by " foreigners."

ARTICLE 33.

To strike out : " and the authorities of Memel within the limits of their prerogatives " and replace " shall guarantee " (*assureront*) by " shall guarantee " (*assurera*).

ARTICLE 33 (3).

To strike out.

ARTICLE 34.

To replace "international port" by "port of international interest."

ARTICLES 35, 35 (2), 35 (3), 35 (4), 35 (5).

To replace these articles by Article 35 following: "The upkeep and development of the port of Memel, the free port and waterways previously belonging to the State, shall be assured by the Government of the Lithuanian Republic."

The administration and working of the port shall be assured by a Management of the Port which shall be directly amenable to the Lithuanian Ministry of Ways and Communications.

There shall be created under the Management of the port an Economic Council composed of—

- (1) A representative of the Memel Chamber of Commerce.
- (2) A representative of the City of Memel.
- (3) A representative of the Memel Chamber of Agriculture.
- (4) A representative of the workers of the port.
- (5) A representative of the fishers of the Territory.
- (6) A representative of the economic organizations of other parts of Lithuania.
- (7) A representative of the economic organizations of the Territories situated in the Niemen basin at the present time under Polish administration.

The Council shall be called upon obligatorily to give its opinion on all questions touching the administration, working, upkeep, and development of the port of Memel, and of the free port as well as of all navigable ways belonging to the Territory of Memel.

ARTICLE 36.

To replace by the following article: "The free zone already created in the port of Memel shall be maintained, and the transit trade of all the States shall enjoy there the same facilities as the national trade."

ARTICLE 36 (2).

To strike out.

ARTICLE 36 (3).

To strike out.

ARTICLE 36 (4).

The Delegation of Lithuania maintains its proposal, particularly, "within a period of one month from the coming into force of the present Convention, negotiations shall take place between the Lithuanian Government and the authorities of Memel in order to determine the amount of the contribution to be paid in to the said Territory by the State Treasury of the Lithuanian State. In the determination of this amount, account shall be taken of the expenses and receipts passed to the State, of the fact of the Union of the Territory of Memel with Lithuania, also of the financial needs of the Territory and of the charges burdening its tax-payers."

ARTICLE 36 (5).

To strike out.

ARTICLE 38.

Par. 2.

To replace "Memel Government" by "authorities of the Territory of Memel."

ARTICLE 38 (2).

After "part VIII. of the said Versailles Treaty," to interpolate "and taking into account the losses and damages endured by Lithuania during the war of 1914-1918."

ARTICLE 38 (3).

Lithuania would like to know the amount of the costs mentioned in this article.

ARTICLES 38 (4) and 38 (5).

To strike out.

ARTICLE 39.

Par. 2.

To strike out.

ARTICLE 47.

The Lithuanian Delegation maintains its proposal: "The Constitution of the Territory of Memel, such as it results from the foregoing Articles 2 to 30, may not be changed except by a law adopted by a majority of two-thirds of the Chamber of Representatives, which must be ratified by the Diet of the Republic."

ARTICLE 48.

The Lithuanian Delegation proposes the following draft: "The foregoing Articles 31 to 37 may be changed only on the proposal of the Lithuanian Government and with the consent of the Council of the League of Nations."

As regards the Protocol Annex to the Convention, the Lithuanian Delegation reserves freedom subsequently to present its observations.

I beg you to accept, Mr. Chairman, the assurances of my very high consideration.

(Signed) E. GALVANAUSKAS,
Chairman of the Lithuanian Delegation.

To M. LARCHE,
Chairman of the Commission
for the Affairs of Memel, Paris.

SECTION IV.

De Jure Recognition of the Lithuanian Republic by the Conference of Ambassadors, December 20th, 1922.

De jure recognition was finally granted to the Lithuanian Republic on December 20th, 1922, in a communication of that date from the Conference of Ambassadors to the Lithuanian Government.

Readers of a previous publication issued by the Lithuanian Press Bureau in 1922 ("The Lithuanian-Polish Dispute") may recall that on July 13th of that year the Conference of Ambassadors addressed a Note to the Lithuanian Delegation in Paris to the effect that the conference had decided to recognise the Lithuanian Government *de jure* on condition that the latter pledged itself to accept purely and simply and to observe the provisions of the Versailles Treaty in so far as they concerned the system of navigation on the Niemen. To this Note the Lithuanian Government replied on August 4th, 1922, accepting the foregoing condition purely and simply. The Lithuanian reply added that as the provisions in question were applicable only to times of peace, the Lithuanian Government would not fail to conform thereto, "as soon as Poland who, notwithstanding her solemn engagements towards Lithuania, at present holds Lithuanian territories, shall have honoured her signature, and shall thus have permitted Lithuania to establish amicable relations with her and to open the Niemen to free navigation."

In the same context, the Lithuanian Government reminded the Ambassadors' Conference of the unsettled state of the Memel question, and of the Allied reply to the German Delegation on June 16th, 1919, to the effect that the Memel region would be handed over to the Allied and Associated Powers because the status of Lithuanian territory had not yet been determined. This determination being effected by *de jure* recognition, the Lithuanian Government naturally hoped that the Allies would transfer the Memel region to Lithuania.

On October 13th, 1922, the Conference of Ambassadors addressed a Note to the Lithuanian Delegation in rejoinder to the foregoing, requesting an explanation of the meaning which the Lithuanian Government attributed "to the reservations" which it had formulated regarding internationalization of the Niemen, and at the same time observing that "the question of the *de jure* recognition of the Lithuanian Government could not be confused with that of the statute of Memel."

On November 18th, 1922, the Lithuanian Prime Minister despatched a Note to the Ambassadors' Conference in which he very properly pointed out the fundamental distinction between the Lithuanian Government's *unreserved* acceptance of the provisions of the Versailles Treaty, in so far as they concerned the system of navigation on the Niemen, and the necessary *application* of this engagement to peace-time, obviously contemplated by the Versailles Treaty. Consequently the Lithuanian Government deemed itself able to affirm that in connecting its engagements with the state of peace, it had formulated no reservation to its acceptance of the conditions of July 13th, but had only expressed its intention to remain within the common law. On the other hand, the Lithuanian Government was persuaded that the present state of relations between Lithuania and Poland could not be regarded by the Conference of Ambassadors as one of peace permitting the *application* of collective conventions to the system of international rivers.

Coming to the question of Memel territory, the Lithuanian Government did not feel that it had confounded this question with that of its *de jure* recognition. Recalling the terms of the Allied reply of June 16th, 1919, to the German Delegation, already cited, the Lithuanian Government expressed its view that the question of the delivery of Memel territory to Lithuania should arise immediately after *de jure* recognition.

Evidently this explanation, the full text of which appears below, was deemed conclusive by the Conference of Ambassadors, because on December 20th, 1922, it addressed a further Note to the Lithuanian Government granting the latter unconditional *de jure* recognition.

XLV.

LETTER OF JULY 13TH, 1922, FROM THE CONFERENCE OF AMBASSADORS TO THE LITHUANIAN DELEGATION IN PARIS *re de jure* RECOGNITION.

CONFERENCE DES AMBASSADEURS.

Paris, 13th July, 1922.

Le President.

MONSIEUR LE PRESIDENT,

THE undersigned, representing the Governments of France, Great Britain, Italy and Japan, at the Conference of Ambassadors, and properly authorised to that effect, have the honour to inform you that the aforesaid Governments have decided to recognise *de jure* the Lithuanian Government, on condition that the latter pledges itself to accept purely and simply, and to observe the provisions of the Treaty of Versailles in so far as they concern the *régime* of navigation on the Niemen, and, through the present communication, declare the said Government recognised *de jure* on the above-mentioned conditions.

The present recognition will come into effect from the day of the acknowledgment containing the engagement herein indicated, which the undersigned beg you to address in the name of the Lithuanian Government to the President of the Conference of Ambassadors.

I beg you, Mr. President, to accept the assurance of our high consideration.

Signed Poincaré.
Hardinge of Penshurst.
O. Sforza.
K. Ishii.

Monsieur O. V. de Miłosz,
President of the Lithuanian Delegation,
Paris.

XLVI.

MEMORANDUM *re* INTERNATIONALIZATION OF RIVER NIEMEN.

LITHUANIAN LEGATION, LONDON.

5th July, 1922.

SEEING that the Lithuanian representatives were never consulted when the Great Powers discussed the question of the internationalization of the Niemen, a clause concerning which was inserted in the Versailles Treaty, it seems to me advisable to mention here the main arguments which oppose themselves to the demand of the Ambassadors' Conference for Lithuania's consent to such internationalization as a condition precedent to her *de jure* recognition.

1. The Niemen River from its mouth to Jurburg is the boundary between the Memel district and Prussia. According to International Law, therefore, this portion of the river should doubtless be recognised as international. But from Jurburg up to Grodno the Niemen flows through purely Lithuanian territory, and there can thus be no cogent reason why that part of it should be internationalized.

Furthermore, the stretch from Kovno to Grodno is virtually closed to navigation throughout the year. In winter it is frozen over, while in summer the water is so low, and its bed is so broken by rapids, sandbanks and shallows, that only row-boats can make use of it. Commercially speaking, it has no navigable value and is available only for the rafting of timber.

An enormous outlay of capital would be required to overcome these drawbacks, and even then there would be no prospect of any commensurate return on the investment within an reasonable period. From a purely economic and commercial standpoint, therefore, the demand for internationalization of the Niemen is incomprehensible.

2. Article 342 of the Versailles Peace Treaty declares that "on a request being made to the League of Nations by any riparian State the Niemen shall be placed under the administration of any International Commission, which shall comprise one representative of each riparian State, and three representatives of other States specified by the League of Nations."

Owing to her forcible occupation of Grodno, Poland might claim to be one of such riparian States, and is thus in a position to acquire part control over the entire Lithuanian river system.

3. The Russo-Lithuanian Peace Treaty of July 12th, 1920, defines the Lithuanian frontiers as including the Grodno territory. Lithuania's consent to the internationalization of the Nieman could therefore be construed by Poland as tacitly implying her right to that territory.

4. Again, internationalization confers the right of utilization of the river for the transport of goods of every description, including munitions of war, and Lithuania's consent to internationalization of the Niemen would be tantamount to acquiescence in the use of the river for that class of traffic.

But Article 4 of the Russo-Lithuanian Treaty above referred to reads in part: "Both contracting parties undertake to prohibit those countries who are *de facto* in a state of war with the other contracting party and also organization or groups, who have as their object armed warfare against the other contracting party, the importation into their ports and the transport through their territories of all that may be made use of against the other contracting party, such as armed forces, military equipment, technical war supplies and artillery, commissariat, engineering and flying materials."

Clearly, therefore, Lithuania's consent to internationalization of the Niemen would tend to create friction between herself and Russia as being at variance with the obligations she has assumed under the clause quoted above.

5. The Versailles Treaty provided that disagreement between Lithuania and the International Commission would have to go to the League of Nations or the Permanent Court of International Justice for final settlement. This provision is calculated to give rise to serious difficulties for the Lithuanian Government in connection with extensive plans for the utilization of Lithuanian rivers, more especially for the construction of electric power stations, for which the configuration of the Niemen from Kovno to Grodno particularly is excellently adapted.

There is also the consideration that the fortresses of Kovno and Olyta, among others, lie on the Niemen. Kovno, too, the present temporary capital, is situated at the confluence of the Niemen and Viliya. In practice this would mean that the Lithuanian Government could not undertake measures of national defence connected with such fortresses or other riverine works of an important character without first obtaining the permission of the International Commission. Such a situation could not fail to be humiliating for the Government of an independent sovereign State.

6. Internationalization would expose the incipient Lithuanian shipping industry to disastrous competition from Germany, who, with the superior means of communication at her disposal, would be able to crush these young beginnings at the very outset.

7. From time immemorial the shores of the Niemen river and its tributaries have been inhabited by the Lithuanian people. The river is therefore regarded by the entire nation with feelings akin to veneration. It figures in Lithuanian poetry and song as something essentially national, with which the very essence of the Lithuanian people is intimately and indissolubly associated, for although in the past its termini have been held by more powerful neighbours, the Lithuanian people have always controlled its main reaches. Deprivation of their right to this gift of nature, which dates from the remotest epoch, would come as an overpowering shock at the present time, when the masses are still suffering from the sense of failure in their dispute with Poland over the fate of the Lithuanian capital, Vilna. The alienation of yet another pre-eminently national possession, which, after Vilna, holds the most important place in the affections of the Lithuanian people, would certainly be exploited by the extremists in the country to the detriment of the existing administration.

8. Lithuania is fully prepared to afford all facilities to the Western Powers for transport by both land and water through her territory, as she has already proved by her acceptance of the stipulations drafted by the League of Nations at Barcelona, and as confirmed by the Lithuanian Delegation at the Genoa Conference. It is therefore difficult to understand why it should be deemed necessary to extend to a State, never aught but friendly to the Western Powers, special conditions which were embodied in the Versailles Treaty for the better control of a former hostile belligerent, *i.e.*, Germany.

For my own part I do not entertain the smallest doubt of the friendly sentiments of His Majesty's Government towards Lithuania, or of their earnest desire to assist her, and it is this conviction which emboldens me to emphasize the important bearing which an equitable solution of this question must have upon the present and future welfare of the Lithuanian people. I therefore venture to commend the arguments I have cited above to the sympathetic consideration of His Majesty's Government.

In any event, I would respectfully suggest the advisability and simple equity of separating the question of *de jure* recognition from that of the internationalisation of the Niemen.

T. NARUŠEVICIUS.

XLVII.

SUPPLEMENTARY MEMORANDUM ON INTERNATIONALIZATION OF THE NIEMEN RIVER.

LITHUANIAN LEGATION, LONDON.

11th July, 1922.

Supplementing my earlier memorandum of July 5th regarding the question of internationalization of the Niemen and the admissibility of recognising Poland as a riparian State, I should like to make the following additional observations :—

1. On the subject of the Polish-Lithuanian frontiers as laid down by the Supreme Council on December 8th, 1919, I venture to appeal to the evidence of the past to show that before the union between the two countries, Podlachia, which lies far to the west of the so-called Curzon line, belonged to Lithuania.

This portion of territory was annexed by Poland during the Lublin Union, but the boundaries between Lithuania and Podlachia remained unchanged up to the date of the partition of Poland and Lithuania, as can be seen on reference to a map reproduced from an official map of the Kingdom of Poland and the Grand Duchy of Lithuania, issued in London by W. Faden, Charing Cross, in 1792. A note to this map states that it was reduced from a map by Rizzi Zannoni, published in Paris 1772, in 24 sheets, at the expense of the King of Poland. These maps clearly show that the boundary between Lithuania and Poland runs from Augustowo to the south, far to the west of the line of 8th December, and leaving the Niemen river within Lithuanian territory.

2. I venture to assert that, ethnographically speaking, the population along the shores of the Niemen near Grodno never belonged to the Polish race, and no historical documents can be cited to prove the contrary. If indeed the territory between the Niemen river and the old Polish boundary had been inhabited by Poles, is it likely that Poland would ever have accepted such a division, considering that she was strong enough at that time to impose her will by force upon Lithuania? I admit that as the result of the long-continued oppression to which the Lithuanian people have been subjected, this particular section of the population is possibly not entirely familiar with its own racial origin. But in that case, surely the only equitable course to pursue would be to appeal to the inhabitants to determine for themselves the question of their final attribution to Poland or Lithuania.

3. Nevertheless, in spite of the foregoing, I am willing to admit that the line of 8th December, more than any other post-bellum arrangement in this connexion, conforms to the principles which should underly the definition of the Polish frontiers. At the same time it should not be forgotten that the line in question was designed to be only approximate, and the Lithuanian Government therefore hopes that before these frontiers are absolutely fixed, an opportunity will be afforded for necessary rectifications in accordance with the principle of nationality. In this connexion, I confidently affirm that purely Lithuanian districts have been included on the Polish side of the line, notably Vizheiny, Punske, Seiny, etc., which are anxious to be joined to Lithuania. For these reasons, therefore, it seems to me that pending a final understanding between Lithuania and Poland on the disposition of the frontier populations, it would be premature at the present time finally to regard Poland as a riparian state.

4. As I have already pointed out in a former memorandum, the Niemen between Kovno and Grodno is not navigable save for the rafting of timber, which alone, in our opinion, cannot justify internationalization.

5. Lithuania has never been opposed to providing her neighbours with the fullest transit facilities. She gave evidence of her liberal attitude during the direct negotiations with Poland at Brussels, when she voluntarily consented to grant Poland the use of her railways and waterways for the conveyance of goods in transit. A provision to this effect was also inserted by the Lithuanian Government in their counter proposals to the Hymans project. Equally at the Barcelona conference the Lithuanian delegate, speaking for his Government, evinced entire readiness to provide all necessary transit guarantees. I am, therefore, confident that in the event of further negotiations between Lithuania and Poland on the settlement of outstanding differences, it will not be difficult for us to reach a satisfactory understanding on all matters affecting transit, whether or not Poland is regarded as a riparian state.

6. That I am not unduly optimistic in this belief will be seen on reference to the Records and Texts relating to the Convention on the Régime of Navigable Waterways, Geneva, 1921, page 246, where the Polish representative at the Barcelona Conference, M. Winiarski, is reported as officially supporting the declaration of the Lithuanian representative, Mr. Sidzikauskas, with reference to the status of the Niemen. "This matter," he said, "is not yet settled, but I have no doubt an amicable settlement will be arrived at to the complete satisfaction of both parties. Apart from this reservation, Poland does not intend to ask for any International Commission to be formed for the Niemen. She hopes to settle the question by agreement with her Lithuanian and German neighbours. From the legal point of view I entirely support the conclusions of my Lithuanian colleague."

In the light of such a declaration, it seems to me that internationalization of the Niemen at the present moment would be a somewhat premature step.

These with other considerations expressed in my previous memorandum, induce me to reiterate my plea for postponement of the question of internationalization of the Niemen river and its separation from the other question of *de jure* recognition of Lithuania.

T. NARUŠEVIČIUS.

XLVIII.

LETTER OF AUGUST 4TH, 1922, FROM THE LITHUANIAN MINISTER FOR FOREIGN AFFAIRS TO THE CONFERENCE OF AMBASSADORS.

18325

LITHUANIAN MINISTRY FOR FOREIGN AFFAIRS.

MR. PRESIDENT,

Kaunas, 4th August, 1922.

THE Lithuanian Government has taken cognisance with the liveliest satisfaction of the Note of the Ambassadors' Conference notifying it of the decision of the Governments of France, Great Britain, Italy, and Japan to recognise the Lithuanian Government *de jure*.

With regard to the conditions to which the Conference has deemed it necessary to subordinate this recognition, I have the honour to declare the following:—

The Lithuanian Government, which has signed the Convention and Statute of Barcelona, on the *régime* of navigable ways of international interest, is impressed by the necessity for freedom of navigation and equality of flags on these waterways. It also pledges itself to accept, purely and simply, and to observe the provisions of the Versailles Treaty in so far as they concern the system of navigation on the Niemen.

The aforesaid provisions of the Versailles Treaty being applicable only to times of peace, the Lithuanian Government will not fail to conform thereto as soon as Poland who, notwithstanding her solemn engagements towards Lithuania, at present holds Lithuanian territories, shall have honoured her signature and shall thus have permitted Lithuania to establish amicable relations with her and to open the Niemen to free navigation.

At the same time the Lithuanian Government is convinced that, after its recognition *de jure*, the Allied and Associated Powers will no longer see any obstacle to the reunion of the Memel territory to Lithuania. The Lithuanian Government gratefully recalls the reply of the Powers to the German Delegation at the Peace Conference, of 16th June, 1919, declaring that "the region in question has always been Lithuanian," and that "Memel and the adjoining region would be handed over to the Allied and Associated Powers because the status of Lithuanian territory is not yet determined." As this determination must be deemed effected by the *de jure* recognition of the Lithuanian Government, the latter hopes that the Allied and Associated Powers will be good enough to adopt a decision regarding the transfer to Lithuania of all rights and titles to the Memel territories which they hold by virtue of Article 99 of the Versailles Treaty.

Please accept, Mr. President, the assurance of my highest consideration.

(Signed) V. JURGUTIS,

His Excellency,

Minister for Foreign Affairs of the Republic of Lithuania.

MONS. RAYMOND POINCARÉ,

President of the Ambassadors' Council, Paris.

XLIX.

LETTER FROM THE PRESIDENT OF THE CONFERENCE OF AMBASSADORS TO THE PRESIDENT OF THE LITHUANIAN DELEGATION, OCTOBER 13TH, 1922.

AMBASSADORS' CONFERENCE.

(49)

THE PRESIDENT.

MR. PRESIDENT,

In acknowledging to the Conference receipt of the letter of July 13th, whereby the representatives of France, Great Britain, Italy, and Japan informed the Lithuanian Government on what conditions their respective Governments were ready to recognise it *de jure*, M. Jurgutis offered certain

observations relative to the internationalization of the Niemen and the statute of Memel. Further, the above-mentioned Governments could not see in the Note of August 4th the acceptance pure and simple of the conditions of July 13. Desirous, however, of giving Lithuania evidence of their goodwill and taking into consideration, on the other hand, various declarations made both at Kovno and at different capitals, by the authorised representatives of the Lithuanian Government, these Governments, before replying to the Note of August 4th, 1922, would wish to know what import the Lithuanian Government attributes to the reservations which it has formulated; in this connection they must observe that the question of the *de jure* recognition of the Lithuanian Government could not be confused with that of the Statute of Memel.

In making you this communication on behalf of the signatories of the Note of July 13th, I have the honour to ask you to be so good as to insist with your Government that it should enable you to reply to the present letter with the least delay.

Please accept, Mr. President, the assurances of my high consideration.

(Signed) POINCARÉ.

Monsieur O. V. DE MIŁOSZ,
President of the Lithuanian Delegation,
Paris.

L.

REPLY TO THE FOREGOING FROM THE LITHUANIAN MINISTER FOR FOREIGN AFFAIRS, NOVEMBER 18TH, 1922.

LITHUANIAN REPUBLIC, MINISTRY FOR FOREIGN AFFAIRS.

No. 26505.

Kaunas, November 18, 1922.

MR. PRESIDENT,

IN your letter of October 13th last, Your Excellency was good enough to inform the Lithuanian Government that, having before them certain observations regarding the internationalisation of the Niemen and the status of Memel, contained in the Note of August 4th from the Lithuanian Government, the Governments of France, Great Britain, Italy, and Japan could not see in this document the acceptance pure and simple of the conditions of July 13th, and that before replying to the said Note those Governments "would wish to know what meaning the Lithuanian Government attaches to the reservations which it has formulated."

Deferring to the wish of the Governments mentioned above, I have the honour to state the following to Your Excellency.

The Lithuanian Government can but reiterate the declaration contained in its Note of August 4th last whereby it pledged itself to accept purely and simply and to observe the provisions of the Versailles Treaty in so far as they concern the *régime* of navigation on the Niemen. This declaration admitted of no reservation. In attaching the application of its engagement to peace time the Lithuanian Government did but add a detail wholly in conformity with the spirit of the Versailles Treaty.

That Treaty actually, without any doubt whatsoever, proceeds from the principle that collective agreements regulating navigation on international rivers have been abrogated by the fact of the war and that, consequently, their return into operation must be expressly stipulated. Thus, Article 346 of the Treaty states that "the European Commission of the Danube will exercise anew the powers which it had before the war." And Article 354 declares that "after the coming into force of the present Treaty the Mannheim Convention of October 17th, 1868, including its protocol of closure, will continue to regulate the navigation of the Rhine, under conditions fixed hereafter." On the other hand, the Versailles Treaty contains no special provisions extending, beyond the state of peace, the rules which it enacts for the future *régime* of international rivers. The Lithuanian Government, therefore, deems itself able to affirm that in connecting its engagements with the state of peace it has formulated no reservation to its acceptance of the conditions of July 13th, but has only expressed its intention to remain within the common law.

On the other hand, the Lithuanian Government is persuaded that the present state of relations between Lithuania and Poland could not be regarded by the Conference of Ambassadors as a state of peace permitting the application of collective conventions to the regime of international rivers.

These abnormal relations are the consequence of Poland's failure in her engagements towards the League of Nations as well as towards Lithuania. The League of Nations has not failed to inflict upon Poland's occupation of the Vilna Territory well-merited blame. M. Léon Bourgeois, President of the Council of the League of Nations, in his letter of October 14th, 1920, addressed to the Polish Government, specially declared: "the occupation of Vilna is, therefore, a violation of the engagements accepted *vis-à-vis* the Council of the League of Nations, and it is impossible for the latter not to demand from the Polish Government what immediate measures it proposes to take to assure respect for engagements." (*Vide* "League of Nations Official Journal, Special Supplement No. 4," December, 1920, pages 22-23.) On the other hand, the Lithuanian-Polish Agreement of Suvalki (of October 7, 1920, *see* League of Nations, Collection of Treaties and International Engagements registered by the Secretariat of the League of Nations. Vol. VIII., 1922, Nos. 1, 2, 2, 4, pages 174-185), which put an end to the conflict between Lithuania and Poland, was violated by the latter the day after its signature. This agreement has not hitherto been replaced by any other international act, and that despite all the efforts exerted by Lithuania both during the procedure of conciliation instituted by the League of Nations and subsequently direct with Poland, with a view to reaching an equitable solution of the conflict existing between the two countries. Consequently the Lithuanian Government can only declare afresh that the *régime* of navigation on the Niemen instituted by the Versailles Treaty, a *régime* which it accepts without the least reservation, will receive its application as soon as Poland who, in spite of her solemn engagements towards Lithuania, at present holds Lithuanian territories, shall have honoured her engagements toward Lithuania and shall thus have permitted the Lithuanian Government to contract with her relations of peace and amity.

To this declaration the Lithuanian Government would like to add that it would be particularly grateful to the Allied and Associated Powers if, with a view to expediting the advent of the era of peace and amity between Lithuania and Poland, those Powers would be good enough to use the right which Article 87 of the Versailles Treaty confers upon them, and fix the eastern frontiers of Poland, taking into consideration the solemn engagements of that State towards the Lithuanian State, as also the vital interests and rights of Lithuania.

As regards the question of the Memel Territory, the Lithuanian Government does not feel that it has confounded this question with that of its recognition *de jure*, as the Note of the Conference of Ambassadors seems to suppose. The Note of the Allied and Associated Powers to the German Delegation under date of June 16th, 1919, clearly indicated that the non-determination of the status of Lithuania was the reason for the delivery of the Memel region to the Powers—a region recognized by the Note itself as always having been Lithuanian. It therefore appeared to the Lithuanian Government that the question of the delivery of Memel Territory to Lithuania should arise immediately after the *de jure* recognition of Lithuania. It is for this reason that the Lithuanian Government deemed itself and still deems itself entitled to express its firm hope in a speedy decision by the Powers transferring to Lithuania all the rights and titles over the Memel territories which they hold by virtue of Article 99 of the Versailles Treaty.

The Lithuanian Government ventures to express the conviction that through the foregoing explanations it has succeeded in establishing that the observations presented in the Lithuanian Government's Note of August 4th, last, did not bear the character of reservations which the Note of the Conference of October 13th ascribes to them. The Lithuanian Government also hopes that these explanations will give satisfaction to the Governments of France, Great Britain, Italy and Japan, and that the Conference of Ambassadors will be good enough to consider as realized the conditions laid down by its Note of October 13th last, for the *de jure* recognition of the Lithuanian Government.

Please accept, Mr. President, the assurance of my very high consideration.

(Sgd.) E. GALVANAUSKAS,

President of the Council of Ministers of
Lithuania and Minister for Foreign
Affairs.

His Excellency Mons. RAYMOND POINCARÉ,
President of the Conference of Ambassadors,
Paris.

LI.

COMMUNICATION OF THE CONFERENCE OF AMBASSADORS TO THE LITHUANIAN
GOVERNMENT DATED DECEMBER 20TH, 1922, BY WHICH THE ALLIES
RECOGNIZED LITHUANIA *DE JURE*.

CONFERENCE OF AMBASSADORS.
The President.

Paris, December 20th, 1922.

MR. PRESIDENT,

In letter No. 26,505, dated November 18th, 1922, Your Excellency was good enough to inform the President of the Conference of Ambassadors that the Lithuanian Government undertook, without any reserve, to accept and to observe the provisions of the Versailles Treaty regarding the system of navigation on the Niemen.

The undersigned have the honour to inform Your Excellency that the British, French, Italian and Japanese Governments, taking note of this engagement of the Lithuanian Government, have decided to recognize *de jure* the Republic of Lithuania, to date from the present communication.

In taking this decision, however, the above mentioned Governments do not propose to express an opinion on the various observations offered by Your Excellency in your Note of November 18th, 1922, and in particular on the following points: Does a state of war exist or not between Lithuania and Poland; would such a state of war justify the adjournment of measures to be taken with a view to effectively assuring the internationalisation of the Niemen; what is the value of the complaints invoked by the Lithuanian Government against the Polish Government on the subject of the conflict which at present divides those two Governments?

I beg you to accept, Mr. President, the assurance of our very high consideration.

(Sgd.) ERIC PHIPPS.
POINCARÉ.
ROMANO AVEZZANA.
S. OKUYAMA.

H. E. MONS. GALVANAUSKAS,
President of the Council of Ministers of Lithuania,
Minister for Foreign Affairs.